



February 13, 2020

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

Dear Secretary Lee,

As the deadline for voter registration prior to the Presidential Preference Primary nears, we write to express our concerns regarding the Department of State's readiness to handle problems that may arise with the online voter registration ("OVR") website (www.registertovoteflorida.gov). Because of the highly competitive primary, voters will be more motivated to register to vote this year than in previous primary election cycles, and many election officials, campaigns, and registration efforts are driving the public to register online.

We respectfully request information on what your office has done to address issues with the website's operations that arose in advance of the August primary and the November general elections during the 2018 election cycle as well as how your office plans to prevent and resolve problems in advance of next week's voter registration deadline if they occur.

OVR systems are subject to unanticipated problems, especially where interest is often focused around high-use periods. In 2016, Virginia's OVR system crashed on the day of the registration deadline, prompting a federal lawsuit and court-ordered extension of the registration deadline.¹

¹ See *New Virginia Majority Educ. Fund v. Virginia Dept. of Elections*, No. 16-cv-01319, Order (E.D. Va. Oct. 20, 2016) (available at <http://www.alexandrianews.org/2016/anfiles/2016/10/Court-Order-reopening-of-voter-registration.pdf>);

Florida had problems of its own shortly before the book closing deadline for the August primary in 2018, when voters were unable to register due to an error in the coding of the site and again in the lead up to the book closing deadline for the November election where again many problems were reported.²

Multiple organizations have made attempts to seek information pertaining to the security and stability of the OVR system including two public records requests. The Secretary of State's office has not responded to any of these with information that gives us confidence that the system is prepared for a trouble free election. The following requests have been largely ignored by the Division.

- Public records request by Access Democracy, September, 2017
- Letter from Access Democracy regarding the denial of records, July, 2018
- Letter from the ACLU requesting information about technical issues, July 2018
- All Voting is Local letter expressing concern and requesting information, Oct 2018
- Letter from 44 groups requesting an extension of voting hours due to problems with the OVR system and information about the system, October, 2018
- Public records request by American Oversight, September 2019

To ensure that all eligible voters in Florida can register before the upcoming election, we seek your responses to the following questions:

1. What steps have been taken to resolve the technical problems with the OVR website since the breakdown prior to book closing for the August 2018 primary?
2. What progress has been made to ensure that similar technical problems will not prevent voters from registering in advance of the approaching February 18th, 2020 registration deadline?

Laura Vozella, Voter registration system crashes in Va., preventing some from signing up in time, Washington Post (Oct. 18, 2016),

https://www.washingtonpost.com/local/virginia-politics/voter-registration-system-crashes-in-va-preventing-some-from-signing-up-in-time/2016/10/18/5336f1ae-9558-11e6-9b7c-57290af48a49_story.html?utm_term=.6ce77c14627b

² Alexandra Glorioso, Voter registration glitch could hurt minorities, activists fear. (July 20, 2018)

<https://www.politico.com/states/florida/story/2018/07/20/voter-registration-glitch-could-hurt-minorities-activists-fear-522186>

Alexandra Glorioso, State fixes voter registration problem with simple updates. (July 23, 2018)

<https://www.politico.com/states/florida/story/2018/07/23/state-fixes-voter-registration-problem-with-simple-updates-522370>

Mark Caputo, 'A Mess': Florida's Online Voter Registration System Panned (October 9, 2018)

<https://www.politico.com/states/florida/story/2018/10/09/a-mess-floridas-online-voter-registration-system-panned-641953>

3. What actions have been taken to ensure that the website has the capacity to handle a high volume of registrations in the days before the February 18th, 2020 deadline?

4. Is the Division planning any additional steps to bolster the system in preparation for the August and November elections when you are likely to see a large influx of registrations?

5. What procedures are in place to deal with any issues that may arise with the website? Will your office provide live voter assistance until midnight on February 18, 2020, including Spanish language assistance, in the event voters encounter any problems registering to vote on the online voter registration system that day as you did in 2018? Will your office commit to extending the registration deadline in the event of any unanticipated problems?

Floridians deserve to have confidence in their voter registration system so they can be assured their voices will be heard. Florida's Secretary of State must take steps now to avoid the problems voters in Florida, as well as other states, have confronted close to registration deadlines.

Thank you for your continued attention to this matter. We look forward to your response.

Respectfully,

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