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Dear Secretary Lee,

As voting rights organizations, we work to ensure that every voter has the freedom to vote without facing unnecessary barriers. We are reaching out to you because steps must be taken now to prevent SB90's many problematic provisions from becoming barriers that disenfranchise voters during municipal elections happening throughout the fall as well as during the Congressional District 20 special election where early voting will begin in less than three months. We realize that you and the Division of Elections are likely still considering which aspects of SB90 require action by the state and what those actions will be. Many Supervisors of Elections, third party voter registration groups, voting rights advocates, and most importantly, voters, are attempting to navigate the new law as well.

We urge you to consider the following recommendations to ensure that voters are not adversely impacted by the new law as soon as possible. This is not intended to be an exhaustive list and we understand that you are a party to litigation and are likely limited as to what you can discuss. We also understand that it is impossible to predict the outcome of the courts or what the next legislative session may bring. However, we are proceeding as if this is the law we will all be working with for the 2022 elections until that is no longer the case.

Recommendations for the implementation of SB 90:

Online Voter Registration (OVR)

In Section 4, the bill requires the state to perform load and stress testing to ensure that the OVR system has a sufficient capacity to accommodate surges in use that have typically occurred prior to the registration book closing deadline. We view this as a necessary step to ensure that

the system is robust. However, it is equally important that the tests be done in a way that creates confidence among voters and third party voter registration groups who drive people to the site. To ensure that the load and stress tests the Department of State performs help to foster confidence, we urge you to be as transparent as possible without compromising the security of the OVR system. Specifically, we believe there should be transparency with when the test is performed, who is performing the audit, and what standards they are using to determine the system's capacity. It also is crucial that your office provide a public statement on the results of the tests after they are done and that they be performed early enough to make modifications to the system that are needed well before book closing deadlines.

Voter Education

The Secretary of State and the Division of Elections play a critically important role in providing information to voters as a way to combat pervasive problems with misinformation and disinformation. The better tools that you and the Division make available on your sites and social media channels, the better we and others are able to direct people to your government websites as a trusted source of information.

We appreciate that you have already updated many pages on the Division's website relating to recent changes in the law. As an additional tool to clarify common questions, we urge you to highlight information on the front page of the Division's website detailing changes to the law relating to SB90 that may impact voters as soon as possible. Some SOEs have already done this. Specifically, we believe this information should inform voters of new identification requirements for vote-by-mail requests and voter registration changes. It should also direct voters who do not have a Florida Drivers License or a Florida State Identification card to resources that ensure they will know how to obtain one. It should also detail new limitations to vote-by-mail designees and clarify other options. The division also should provide information for third-party voter registration groups clarifying how they are to navigate the new law.

In addition, SOEs will now be required to report their ballot drop box locations to the state 30 days before an election. This will provide you with the opportunity to aggregate this information in one list and make it publicly available as you have done with early voting sites in the past. Ideally, voters would be able to find the drop box locations in closest proximity to them with a voter lookup tool. Alternatively, the Division could create a page with links to each county page where Supervisors of Elections list their drop box locations. Either approach will lessen voter confusion by providing one link where voters can find essential information.

Third Party Voter Registration Groups

We urge you to take steps to ensure that voters are not penalized if a third party voter registration group delivers a registration application to a county where a voter is not registered. The Division of Elections should provide guidance to SOEs on what they should do if registrations arrive in the incorrect county close to the deadline. It would be best if SOEs process the registration applications immediately or deliver them to the appropriate county if there is sufficient time before the registration deadline rather than giving them back to the third party groups. The law does not speak specifically to this scenario and there should be

consistency statewide. In addition, we ask that you take steps to ensure that third-party organizations are not fined if the voter returns an application that identifies a third-party organization after fourteen days of it being given to the voter. Many Supervisors place the third party's identifying number on the registration form and voters may opt to turn in the forms themselves when informed by a group that their registration might not make it in on time.

We have many other concerns with this bill. But we believe the recommendations listed above would address some of the main issues and are within your authority. We urge you to consider their adoption.

Sincerely,

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