



October 06, 2021

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

Re: Comments in response to the workshop to solicit ideas and information intended to improve the Online Voter Registration System.

Dear Secretary Lee,

On behalf of All Voting is Local Florida, I am submitting the following recommendations on ways to improve the Online Voter Registration (OVR) System for your consideration during the Division of Elections' October 7th, 2021, workshop.

1. Transparency of load and capacity tests

Florida's OVR System has consistently experienced problems since it was first implemented in October 2017. It had problems shortly before the book closing deadline for the August primary in 2018, when voters were unable to register due to a coding error, and again in the lead up to the book closing deadline for the November election where widespread problems were reported.^{[1][2][3]} There were again reports of the online registration site having problems in late March of last year at a time where there was not a surge in usage. Then the site again experienced a significant malfunction in October 2020 leading to a brief extension of the voter registration deadline.^{[4] [5]}

To help prevent issues the site has experienced due to surges in use right before the voter registration book closing deadline, Florida statute now requires that the Division perform load and capacity testing as part of the comprehensive risk assessment every two years.^[6] To truly fulfill OVRs promise of voter engagement, administrative efficiencies, and cost savings for elections officials, it is critical that prospective voters and those who register voters believe they can count on this system to work. To ensure the public has confidence in the OVR system it is crucial that this newly required load and capacity testing be done with as much transparency as possible.

To effectively instill confidence in the OVR System's reliability we urge you to 1) provide notice when the load and capacity testing will occur in advance; 2) be transparent about who will be conducting the testing, whether the state itself will be performing the tests, or a vendor, or an independent third party; 3) make public the standards being used to test the system; 4) provide transparency of the results to the extent that this can be done without sacrificing election security. At a minimum, this should include a description of what problems, if any, were found and what the state has done, or is doing, to resolve those issues. We recommend that you establish processes for routinely announcing when the tests will occur, what standards will be used, who is performing the tests, and then publicly announce the results after the tests have taken place. Ideally, these processes would be enshrined to ensure that they continue with future administrations.

2. Establish a formula to trigger an automatic extension of the voter registration deadline

The state should establish a formula and process to automatically extend the voter registration book closing deadline when the site malfunctions. For example, if the site goes down for two hours the deadline should be automatically extended for at least two days. Additional days would be necessary if the site is down for longer periods. When the site goes down and the deadline is extended, it will take time for the word to reach the public that there has been an extension and it will take groups who register voters time to mobilize their resources. It is important to do this for several reasons. First, it will help to reduce costly and time-consuming litigation. Second, and most importantly, it will reduce the appearance of any decision to extend or not extend appearing to be political thus building more public confidence in the system and our leaders. Third, it would simply be better for everyone to have a process in place well before the system breaks down so that everyone knows what the game plan will be.

3. Tracking usage data and failed attempts to register

In September 2019, All Voting is Local and American Oversight submitted a public records request which included a request for OVR usage data by state and county, including basic demographic breakdowns such as race and age. The records request also sought any data the state had relating to those who unsuccessfully attempted to use the site to register. The state did respond to the request with many documents, but the data described above were not included which leads us to assume that the state is not tracking basic usage patterns in a systematic way. So, we urge the state to track usage in a systematic way if it is not already doing so. If it is already doing so, we urge the state to produce reports of this data in a way that can be made publicly available. Ideally, this data would be placed on the Division's website to reduce the need for public records requests and the staff time to process. Finally, it is critical that the state develop a system to track those who have attempted to use the OVR system and failed. Patterns in these failures may point to problems that can be addressed through public education to certain demographics or in certain regions. They may also point to the need for additional instructions or site modifications.

4. Language Access

The online voter registration site currently offers Spanish translation. However, errors in translation have led us to believe that the state is using automated translation services. It is important that the state work with human translators who can ensure translation accuracy rather than relying on automatic translation. In addition to Spanish, Florida has sizable Haitian-Creole and Portuguese-speaking populations.^[7] OVR should have mirror sites that accommodate these voters and ensure accurate translation of all information that is also in English. The state should also go beyond minimum requirements in terms of languages required when it comes to OVR translation by providing a reliable translation service that accommodates voters who speak different languages, particularly in counties with a significant percentage of minority language voters.

5. Create incentives for third-party voter registration groups to use OVR

Florida should look to other states for models on ways to incentivize the use of OVR by third-party voter registration groups. Pennsylvania stands out as having a system that is seamless for voters while incentivizing use by third-party organizations with an API that does not require the internet, making it ideal for community outreach. Their Department of State released an API to permit trusted organizations to build web applications that allow registrants

to complete the entire voter registration transaction in one easy process. In Florida, there is little to no incentive for third-party voter registration groups to use the OVR system. The use of paper forms allows these groups to collect information that can be used to encourage people to vote once registered and it enables them to track their work so they can measure the effectiveness of their efforts. Several other states, including Virginia, Colorado, Washington, and Nevada, have created ways for groups to track their efforts before delivering the registration to the state as well.^[8]

While there are other usage issues that the state should address to improve the public's experience with the site, we feel that the recommendations detailed above emphasize the areas that will most improve the reliability of the site and the public's confidence in our elections systems.

Sincerely,

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

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

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

[4] <https://www.tampabay.com/news/health/2020/03/30/floridas-voter-registration-system-experiences-intermittent-issues/>

[5] <https://apnews.com/article/election-2020-tallahassee-florida-elections-ron-desantis-8c986dbc04f5e5205fdcacfaa637b2af>

[6]

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0000-0099/0097/Sections/0097.0525.html

[7] <https://datausa.io/profile/geo/florida/demographics/languages>

[8] <https://electioninnovation.org/2016/09/26/online-voter-registration-apis-a-new-trend/>

