



February 28, 2022

Testimony on SB 524, by the Public Integrity & Elections Committee and Representative Perez, for the Florida House Appropriations Committee

Good morning, Chair Trumbell and committee members. I'm Brad Ashwell, the Florida State Director for All Voting is Local, a nonpartisan organization that focuses on eliminating barriers to voting before Election Day.

We are pleased to see that the bill no longer contains the vote-by-mail identification requirement or the certificate envelope. As previously drafted, it would have led to a great deal of voter confusion and a significant rise in rejected mail ballots which [we know](#) disproportionately impact Black, Hispanic, and youth voters. A study with the input of those who administer our elections seems like the right direction. However, this bill should clarify that the study should equally prioritize the need to maintain access to vote-by-mail with the currently stated goals of security and privacy. We also recommend that the Department of State offer a workshop to solicit public input before the final submission of the report to the Governor and Legislature next January to hear from all sides and build public trust.

That said, we still have several concerns with the bill language.

1. We continue to maintain that creating an Office of Election Crimes and Security is costly and unnecessary. This year alone it will cost \$2,625,965 according to this committee's staff analysis. To date, supporters of the bill have offered little more than vague references to data they have supporting a need. One study supporters have continually pointed to as evidence for a need says there are a high number of claims that go uninvestigated. However, this could also mean that investigators are simply not wasting taxpayer dollars on frivolous allegations. We would prefer to see election dollars spent in ways that directly improve voter access to elections, such as expanding early in-person voting or requiring more robust voter education efforts.
2. While the Office of Election Crimes and Security does have reporting requirements, it does not require the office to report the number of frivolous claims or to document individuals or organizations who repeatedly submit unsubstantiated claims. This is vital given that there is likely to be a high number of frivolous claims. Requiring the office to only report the total number of claims filed along with those that the office submits for further action will leave open the question as to why many other claims go uninvestigated undermining trust in our elections. The office should also be required to provide a number of the claims that were unsubstantiated, information on any individuals or organizations who systematically make false allegations, counties in which the allegations were made, and the dates of those claims.

3. Raising the cap on aggregate annual fines from \$1,000 to \$50,000 for voter registration groups will have a chilling effect. We are particularly concerned about the impact this will have on smaller voter registration organizations that tend to be most rooted in their communities and most able to reach marginalized voters.
4. The bill doubles list maintenance efforts by requiring it annually instead of biannually, with an additional mailing requirement for voters who have not voted in the last three years or made a written request. First, this is costly, \$1,092,681 for this year alone according to this committee's staff analysis, and largely duplicative given that the state is already a member of ERIC, which appears to be working well. In addition, we have concerns about the non-citizen data that the Department of Highway Safety and Motor Vehicles must provide to DOS for list maintenance. Other states have experienced problems with the quality of similar data sets, leading to voters being removed incorrectly from voter rolls. We also have privacy concerns about who will have access to this data. What protections are in place to ensure that this list will not end up in the hands of extremist groups who may seek to harm people? Finally, the basis of this new three-year timeline is unclear.

In addition to the issues detailed above, we have serious concerns about further criminalizing voter assistance with harsher penalties. The bill has made several significant improvements. However, we continue to oppose this legislation in its current form and urge members to vote no.