



TRANSMITTAL BY FACSIMILE AND EMAIL

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Ken Detzner,
Florida Secretary of State,
Department of State, Division of Elections,
Director's Office, Room 316, R.A. Gray Building,
500 South Bronough Street,
Tallahassee, Florida, 32399

Dear Secretary Detzner,

RE: Election Administration Issues

The right to vote is a core tenet of our citizenship. As Chief Justice John G. Roberts Jr. explains, “There is no right more basic in our democracy than the right to participate in electing our political leaders.” *McCutcheon v. FEC*, 134 S. Ct. 1434, 1140-41 (2014). This protection is enshrined in the 15th Amendment, which prohibits states from denying the right to vote based on race, and in several state constitutions.

Today, however, there is evidence of barriers to voting in Florida that need to be addressed. For example, there are reports that poll workers are not properly trained on Florida law, which allows voters to change their address at the polls on Election Day. This resulted in one man waiting more than four hours to vote.¹ The redrawing of Florida precincts caused confusion when Broward and Miami-Dade counties voters showed up at longtime voting precincts only to find that their voting location had changed.² Jacksonville voters were confronted by broken voting machines and poll workers who were “unable to explain the process of how those casting ballots would know theirs were counted.”³ In addition, there have been instances of poll watchers intimidating voters at the poll. In Miami, a woman who could prove her voting rights had been restored post-conviction “was intimidated by a poll watcher” and was told by the election clerk that she would “have to cast a provisional ballot because her name was not in the system.”⁴

The example of broken machines, ineffective poll worker training, and voter intimidation makes it clear that voters in Florida are not freely able to exercise this most cherished right. We call upon the secretary of state’s office to investigate and address these issues immediately, to ensure that Floridians can exercise their legal right to vote.

Florida's Courts have long upheld the importance of an unbridged right to vote for eligible Floridians. As described by the Florida Supreme Court, "No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined." *Reform Party v. Black*, 885 So. 2d 303 (Fla. 2004) (citing *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964)).

As the Presidential Commission on Election Administration noted, there are problems with voter registration, access to the polls, polling place management, and voting technology that need to be addressed.⁵ We concur.

The same concern extends to casting provisional ballots, which become even more relevant as these potentially suppressive laws are implemented. As the Center for American Progress found, counties with a higher percentage of minorities cast provisional ballots at a higher rate than in counties with lower percentage of minorities in 16 states.⁶ Together, these new restrictions on voting and the likelihood of communities with a higher percentage of minority voters casting provisional ballots may increase disenfranchisement among communities of color during this year's election.

To ensure that Floridians can exercise their legal right to vote, immediate action must be taken to address these concerns.

Sincerely,

Michele L. Jawando

¹ Kira Lerner, "Miami Man Waited More Than 4 Hours to Vote After Poll Workers Refused to Allow Address Change," ThinkProgress, November 4, 2014, available at <http://thinkprogress.org/election/2014/11/02/3587428/election-2014-liveblog/#1bu-1415127614> (disclosure: the Center for American Progress is affiliated with ThinkProgress).

² Joey Flechas, "Live Election Blog: 12:30 P.M., Cooper City," *Miami Herald*, November 4, 2014, available at <http://www.miamiherald.com/news/politics-government/article3551446.html>.

³ Jim Schoettler, "Continuing coverage: A few wrinkles so far this Election Day on the First Coast; 3 million vote early," *The Florida Times-Union*, November 4, 2014, available at <http://members.jacksonville.com/news/metro/2014-11-04/story/continuing-coverage-few-wrinkles-so-far-election-day-first-coast-3>.

⁴ Kira Lerner, "Report: Rick Scott Poll Watcher Intimidated Voter Who Had Rights Restored," ThinkProgress, November 4, 2014, available at <http://thinkprogress.org/election/2014/11/02/3587428/election-2014-liveblog/#1bu-1415134262>.

⁵ Nathaniel Persily and others, “The American Voting Experience: Report And Recommendations Of The Presidential Commission On Election Administration” (Presidential Commission On Election Administration, 2014), available at <https://www.supportthevoter.gov/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>.

⁶ Joshua Field, Charles Posner, and Anna Chu, “Uncounted Votes, the Racially Discriminatory Effect of Provisional Ballots” (Washington: Center for American Progress, 2014), available at <http://cdn.americanprogress.org/wp-content/uploads/2014/10/ProvisionalBallots-report.pdf>.