



Sent Via Email

September 25, 2020

David H. Stafford
Escambia County Supervisor of Elections
213 Palafox Pl, 2nd Floor
Pensacola, FL 32502
Email: soe@escambiavotes.com

Re: Drop boxes and Early Voting sites in Escambia County

Dear Supervisor Stafford:

We acknowledge the difficulty of preparing for a major election in Escambia County following the destruction of Hurricane Sally and the challenges your office and staff face during the COVID-19 pandemic. Our thoughts and best wishes are with all of Escambia County’s residents.

On behalf of the NAACP Legal Defense and Educational Fund, Inc., All Voting is Local Florida, Common Cause Florida, Advancement Project, Escambia County Good Trouble Seekers, SPLC Action Fund, the NAACP Florida State Conference, and the NAACP Pensacola Branch, we urge you to add additional early voting sites and drop boxes in locations that are more convenient and accessible to several of Escambia County’s predominantly Black neighborhoods.

The COVID-19 pandemic, which has disproportionately affected Black communities, has made in-person voting on Election Day an untenable option for many voters. And, in light of the widely reported issues with the United States Postal Service, many voters are not comfortable returning their vote-by-mail ballots by mail. Therefore, for many voters, the only acceptable options are to vote at an early voting location (where lines will likely be shorter and there is less risk of COVID-19 exposure) or to personally bring their vote-by-mail ballot to a secure drop box.

1. Many Black Voters in and Near the Woodland Heights/Goulding Neighborhood Lack Easy Access to a Drop Box and Early Voting Site

Voters in and near the Woodland Heights/Goulding neighborhood lack easy access to a drop box or early voting site, as shown in Map 1 below. The affected community has over 3,500 Black residents and is over 80% Black.¹ Voters in this community who do not have an automobile are particularly hard-hit, because there are limited public transportation options available to residents (and in light of the COVID-19 crisis, many residents are uncomfortable utilizing public transportation). None of the current early voting and drop box sites are suitable for this community.

- The two closest early voting and drop box sites are the Main Library (239 Spring Street, Pensacola, FL 32502) and the nearby Supervisor of Elections office (213 Palafox Pl, Pensacola, FL 32502). These sites are both over a 50 minute walk from this community and would require voters to cross Route 110, an interstate highway.² These two sites are both located in downtown Pensacola, which is predominantly white (only 29% Black).
- The next closest early voting and drop box site is the Genealogy Branch Library (5740 B, 9th Avenue, Pensacola, FL, 32504). This site is a 57 minute walk from the heart of Escambia County's Black community. The site is located next to white communities, including the Corporate Woods neighborhood in Pensacola (only 2% Black).
- The next closest early voting and drop box site is the Brownsville Community Center (3200 W. DeSoto Street, Pensacola, FL, 32505), which is a one hour and thirteen minute walk from the heart of the Black community. The site is located next to white communities, including the Mulworth neighborhood (only 18% Black).
- None of the other early voting and drop box sites in Escambia County are within walking distance of this community.

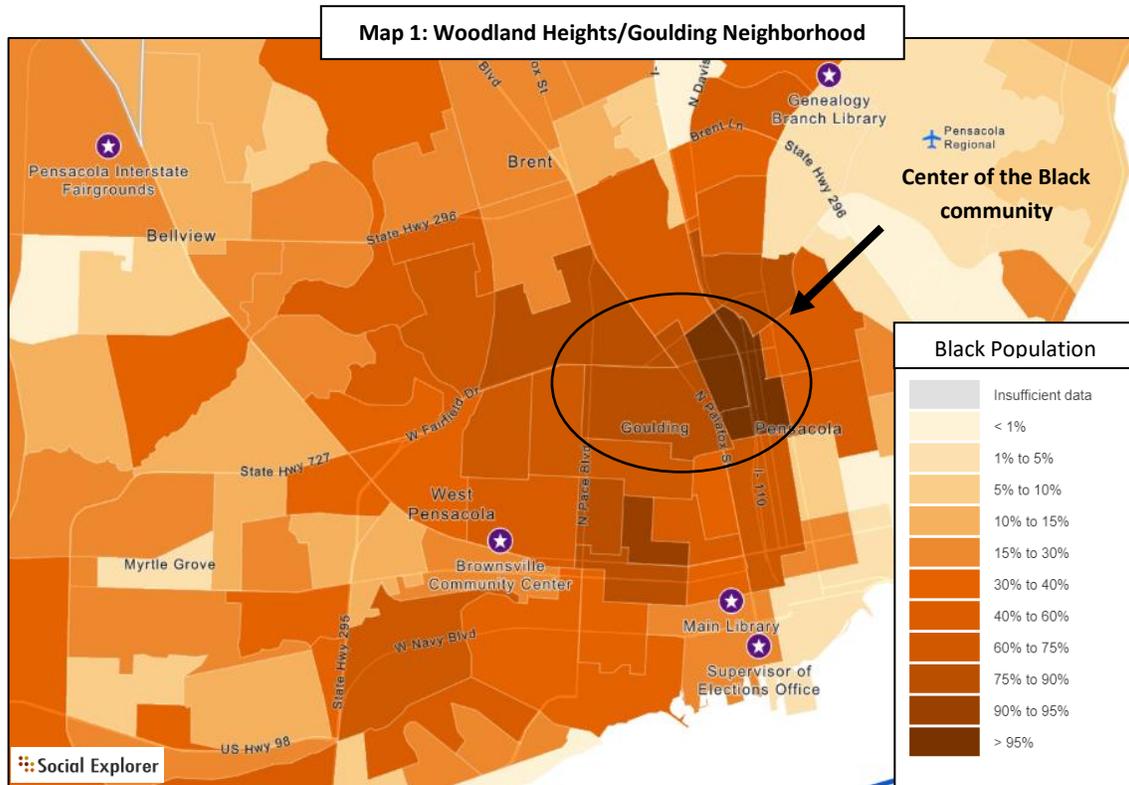
We urge you to place an early voting site and drop box location within the Black community centered in and near the Woodland Heights/Goulding neighborhood, so that these voters can safely exercise their right to vote during this pandemic. There are numerous viable options that you could explore, including the Woodland Heights Resource Center (111 Berkley Dr., Pensacola, FL 32503), the Escambia County Central Office Complex (3363 West Park Place, Pensacola, FL 32505), the Dorrie Miller Community Center (2819 North Miller St., Pensacola, FL 32503), and the Escambia County Clerk of Court (1800 St. Mary Ave., Pensacola, FL 32501).³

¹ This community is located in the following three block groups in Escambia County as designated by the United States Census: (i) Block Group 1, Census Tract 15; (ii) Block Group 1, Census Tract 16; and (iii) Block Group 2, Census Tract 16. These three block groups are roughly bordered by North P Street on the west, East and West Fairfield Drive on the north, North 9th Avenue on the east, and East and West Bobe Streets on the south, and have a combined Black population of 3,573, which is 82% of the total population.

² All travel calculations originate from the intersection Dr. MLK Drive and East Texar Drive, which is in the heart of this community.

³ You have broad discretion to place early voting sites and drop boxes at a wide variety of locations, including any city hall, permanent public library facility, fairground, civic center, courthouse, county commission building,

We also urge you to move the site currently planned for Brownsville Community Center to Fricker Community Center (900 N. F. St., Pensacola, FL 32501).



2. Black Voters in the Town of Century Lack Access to a Drop Box and Early Voting Site

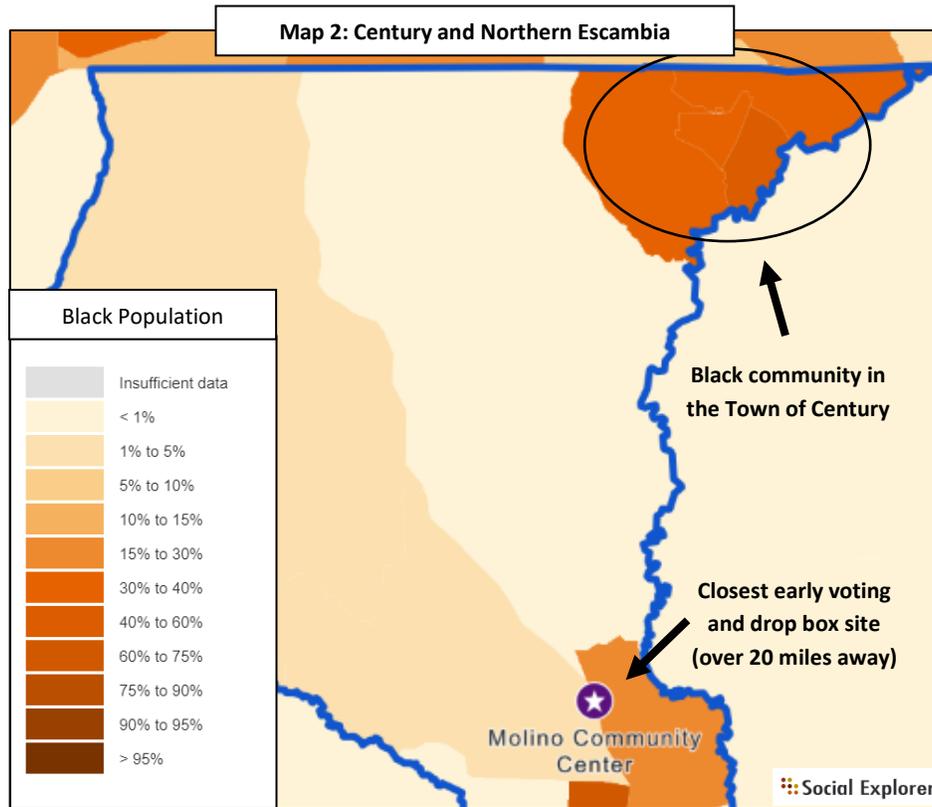
Voters in the Town of Century, located in the northeast corner of Escambia County, lack easy access to a drop box or early voting site, as shown below in Map 2 below. Century has a significant Black population, with approximately 1,600 Black residents according to the 2018 American Community Survey estimates. As a result, this population is at significant risk of being disenfranchised by the lack of any early voting site or drop box in or near Century.

The closest early voting site and drop box location is the Molino Community Center (6450A Hwy 95A, Molino FL, 32577), which is located *over twenty miles* from the Town of Century. There is no public transportation suitable for voters, making it virtually impossible for Century voters without access to an automobile to use an early voting site or drop box.⁴

stadium, convention center, government-owned senior center, or government-owned community center. Fla. Stat. §§ 101.657(1)(a), 101.69(2).

⁴ The only public transportation is Bus Route 60 of the Escambia County Area Transit (“ECAT”). <https://goecat.com/routes-maps>. This route is solely a commuter route and operates during very limited hours.

We urge you to place an early voting site and drop box location within Century so that those voters can safely exercise their right to vote during this pandemic. There are numerous viable options that you could explore, including the Century Town Hall (7995 N. Century Blvd, Century, FL 32535), the Century Branch Library (7991 N. Century Blvd, Century, FL 32535), and the Escambia County Clerk-Court (7500 N. Century Blvd, Century, FL 32535).



3. Many Black Voters in and Near the Lincoln Park/Ensley Community Lack Easy Access to a Drop Box and Early Voting Site

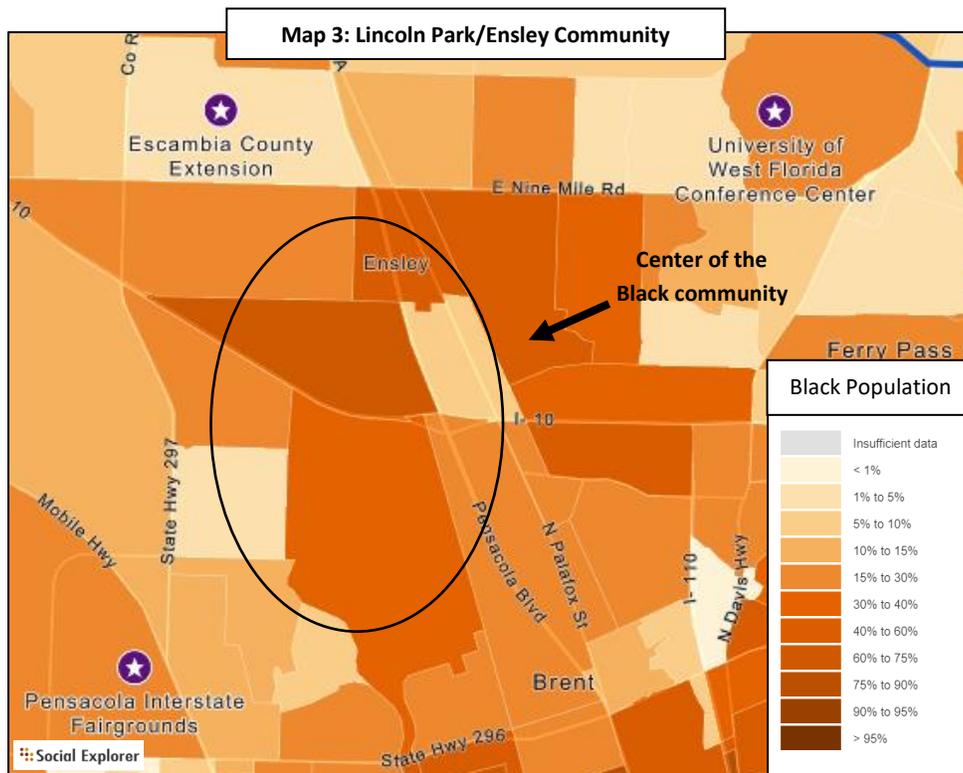
Voters in and near the Lincoln Park/Ensley neighborhood lack easy access to a drop box or early voting site, as shown in Map 3 below. The affected community has over 3,300 Black residents and is majority Black.⁵ None of the current early voting and drop box sites are suitable for this community.

<https://goecat.com/docs/default-source/routes/rt-60-ecat-ride-guide-2016-sched.pdf>. In any event, even if ECAT Route 60 were viable, due to the COVID-19 pandemic, many voters are uncomfortable taking public transportation.

⁵ This community is located in the following three block groups in Escambia County as designated by the United States Census: (i) Block Group 3, Census Tract 34; (ii) Block Group 2, Census Tract 32.03; and (iii) Block Group 2, Census Tract 32.01. These three block groups have a combined Black population of 3,312, which is 51% of the total population.

- The closest early voting and drop box site is the Pensacola Interstate Fairgrounds (6655 Mobile Highway, Bellview, Florida 32526), which is located over 3 miles from this community and would be over a one hour walk. This site is located in a predominantly white community (only 18% Black).
- The second closest early voting and drop box site is the Escambia County Extension (3740 Stefani Road, Cantonment, FL 32533), which is nearly 7 miles away from this community and would be a two hour and fifteen minute walk.⁶ This site is located in a predominantly white community (only 4% Black).
- The third closest early voting and drop box site is the University of West Florida Conference Center (11000 University Parkway, Pensacola, FL 32514), which is located over 7 miles from this community and would be over a two and a half hour walk.
- None of the other early voting and drop box sites in Escambia County are within walking distance of this community.

We urge you to place an early voting site and drop box location within the Lincoln Park/Ensley neighborhood so that those voters can safely exercise their right to vote during this pandemic. There are numerous viable options that you could explore, including the Marie K. Young/Wedgewood Community Center (6405 Wagner Road, Pensacola, FL 32505).



⁶ All travel calculations originate from the intersection of Wingfoot Way and Rolling Hills Road, which is in the heart of this community.

4. Expand the Use of Drop Boxes

a. Escambia County Should Provide Between 12 and 15 Drop Boxes

You are required to place drop boxes at all main election offices, branch offices, and early voting sites. However, you also have broad discretion to place drop boxes at any location that could serve as an early voting location but is not being used as such.⁷ You are currently offering the bare minimum number of drop boxes required under state law. The Department of Homeland Security recommends one drop box for every 15,000 to 20,000 voters,⁸ but Escambia County falls far short of that recommendation. Because Escambia County has 227,451 registered voters, your current plan of 9 drop boxes falls far short of that goal. We urge you to provide between 12 to 15 drop boxes in order to comply with the Department of Homeland Security guidelines.

b. Wherever Possible, Place Drop Boxes Outdoors and Expand the Hours of Availability

During the primary, Escambia County placed drop boxes indoors and limited the hours they were available. Many voters—especially those in higher risk categories or living with those in higher risk categories—are uncomfortable using drop boxes if they are located indoors. For this reason, drop boxes should be placed outdoors to provide voters with the option to deliver their vote-by-mail ballots in a safe and secure manner during the pandemic.⁹ Wherever possible, place drop boxes in a “curbside” or “drive through” location so that voters can deliver ballots without having to leave their car. It is also important to make drop boxes available during evening, early morning, and weekend hours, to accommodate voters who need to use a drop box outside of standard work hours or who seek to preserve social distancing by using a drop box at hours when other voters are unlikely to be present.

⁷ See Fla. Stat. § 101.69(2). This includes a wide variety of locations, including any city hall, permanent public library facility, fairground, civic center, courthouse, county commission building, stadium, convention center, government-owned senior center, or government-owned community center. *See id.* (providing that drop boxes may be placed at any site that would qualify as an early voting site); Fla. Stat. § 101.657(1)(a) (listing early voting sites).

⁸ *Ballot Drop Box*, Cybersecurity and Infrastructure Security Agency, Elections Infrastructure Subsector’s Government Coordinating Council and Sector Coordinating Council, United States Department of Homeland Security, available at https://www.eac.gov/sites/default/files/electionofficials/vbm/Ballot_Drop_Box.pdf.

⁹ Patients are 19 times more likely to catch COVID-19 indoors, compared to an outdoor open-air environment. *See* Hiroshi Nishiura, Hitoshi Oshitani, Tetsuro Kobayashi, Tomoya Saito, Tomimasa Sunagawa, Tamano Matsui, Takaji Wakita, MHLW COVID-19 Response Team, Motoi Suzuki, *Closed environments facilitate secondary transmission of coronavirus disease 2019 (COVID-19)*, April 16, 2020, available at <https://www.medrxiv.org/content/10.1101/2020.02.28.20029272v2>.

c. Publish Clear and Accessible Resources Notifying Voters About Drop Box Locations

During the primary, some Escambia voters reported difficulty locating a drop box to deposit their vote-by-mail ballots. Therefore, to ensure that all voters who wish to use a drop box are able to do so easily, drop box location, days, and times of access information should be published through all available and reasonable means. Diverse and inclusive methods of communication are necessary to ensure that more voters receive critical information about drop boxes and must become the standard for all counties to follow moving forward. Voters should be notified about drop box locations through mail, text, emails, phone calls, web postings, and signs at polling sites and government buildings.

Brad McVay, General Counsel to the Florida Department of State, reiterated this guidance at the September 16, 2020 Supervisor of Elections’ Workshop:¹⁰

This is a new statute . . . it is extremely important that you use all available means to inform and educate voters about secure drop boxes, specifically the locations and the dates. . . . We would recommend using as many platforms as possible—phone, text, email, websites, mailings, social media—to get the message out about secure drop boxes and where they can be found and when they can be found.

These steps are especially important considering that drop boxes are a new and unfamiliar option for Escambia voters.

d. Ensure That Voters in Line at Drop Boxes By 7:00 P.M. May Submit Their Ballot

Florida law provides that “[a]ny elector who is in line at the time of the official closing of the polls shall be allowed to cast a vote in the election.” *See* Fla. Stat 100.011.¹¹ There is a possibility that at some drop boxes, voters will form lines as they wait to deposit their ballots on Election Day, especially if drop boxes are staffed by elections personnel who interact with each voter seeking to use the drop box, or if drop boxes are placed in a “drive through” location.¹² It is critical that you ensure that all voters waiting in a line to deposit their vote-by-mail ballot in a drop

¹⁰ *See* 9/16/20 Supervisor of Elections’ Workshop at 28:00, available at <https://thefloridachannel.org/videos/9-16-20-supervisor-of-elections-workshop/>.

¹¹ Similarly, the Polling Place Manual states that “All eligible voters standing in line at the polling place by the early voting closing hour or 7 p.m. on Election Day shall be allowed to vote. A procedure should be in place to clearly mark the end of the line such as having the deputy stand behind the last person in line to establish a cut-off point.” *See* Form DS-DE 11, *Polling Place Procedures Manual*, Division of Elections (Apr. 23, 2020) at p. 31, available at https://dos.myflorida.com/media/703005/adopted-clean-de11_pollplaceprocmanual.pdf.

¹² During the August 18, 2020 Primary Election, a line of cars had formed for voters seeking to use a “drive through” drop box. *See* Dara Kam, *Polls ‘Quiet’ During Florida’s Primary Elections After Heavy Mail-In Voting*, News Service of Florida (Aug. 18, 2020), available at <https://wusfnews.wusf.usf.edu/politics/2020-08-18/polls-quiet-during-floridas-primary-elections-after-heavy-mail-in-voting>.

box (including a line of voters inside of vehicles) at 7 p.m. on Election Day are allowed to deposit their ballot in the drop box.

As we head towards the November 3, 2020 General Election, it is important to take these commonsense and nonpartisan steps to guarantee that all of Escambia's Black voters have access to early voting sites and drop box locations, and to ensure that voters are not forced to choose between their health and their fundamental right to vote. To the extent you are unable to act on any of the recommendations in this letter due to funding constraints, we urge you to immediately request additional funding from the numerous sources of funds available specifically for these purposes, including the CARES Act, the Center for Tech and Civic Life,¹³ and the USC Schwarzenegger Institute for State and Global Policy,¹⁴ and we are happy to assist you with that process. We ask that you respond by Wednesday, September 30, 2020 to inform us of the steps you will take to address the issues raised in this letter.

Sincerely,

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¹³ Center for Tech and Civic Life, *COVID-19 Response Grants for U.S. Local Election Jurisdictions*, available at <https://www.techandcivicle.org/our-work/election-officials/grants/>.

¹⁴ USC Schwarzenegger Institute for State and Global Policy, *Democracy Grants for Voting Access & Election Administration*, available at <https://pollingaccessgrants.org/>.

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cc: Escambia County Commission; Office of the Mayor of the City of Pensacola, Office of the Mayor of the Town of Century

NAACP Legal Defense and Educational Fund, Inc. (“LDF”)

Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in the areas of education, economic justice, political participation, and criminal justice. Throughout its history, LDF has worked to enforce and promote laws and policies that prohibit voter discrimination, intimidation, and suppression and increase access to the electoral process.

All Voting Is Local

All Voting is Local works to eliminate needless and discriminatory barriers to voting before they happen, to build a democracy that works for us all. It is a collaborative campaign housed at The Leadership Conference Education Fund, in conjunction with the American Civil Liberties Union Foundation; the American Constitution Society; the Campaign Legal Center; and the Lawyers’ Committee for Civil Rights Under Law.

Common Cause

Common Cause is a nonpartisan, grassroots organization dedicated to upholding the core values of American democracy. We work to create open, honest, and accountable government that serves the public interest; promote equal rights, opportunity, and representation for all; and empower all people to make their voices heard in the political process. Learn more at www.CommonCause.org.

Advancement Project

Rooted in the great human rights struggles for equality and justice, we exist to fulfill America's promise of a caring, inclusive and just democracy.

SPLC Action Fund

The SPLC Action Fund is dedicated to fighting for racial justice alongside impacted communities in pursuit of equity and opportunity for all. We work primarily in the Deep South where we have offices in Alabama, Georgia, Florida, Louisiana, Mississippi, and Washington, D.C.