



Sent Via Email

November 1, 2020

Honorable Laurel Lee
Secretary of State, State of Florida
R.A Gray Building
500 South Bronough Street
Tallahassee, FL 32399
Email: laurel.lee@dos.myflorida.com

Re: Voter Information Lookup Tool on Secretary of State Website

Dear Secretary Lee:

On behalf of the NAACP Legal Defense and Educational Fund, Inc., Common Cause Florida, League of Women Voters of Florida, Lawyers' Committee for Civil Rights Under Law, Campaign Legal Center, SPLC Action Fund, Florida for All Education Fund, The Florida 501(c)(3) Civic Engagement Table, Fair Elections Center, Demos, American Civil Liberties Union of Florida, All Voting is Local Florida, LatinoJustice PRLDEF, and Advancement Project, we urge you to immediately restore the voter information lookup tool on your website so that voters can use your website to find their polling place location and determine the status of their vote-by-mail ballot. Your decision to deactivate this capability without notice *four days before the General Election* is very concerning and it is imperative that you correct the issue today.

1. The Secretary of State Website Voter Information Lookup Tool No Longer Provides Voters with Polling Place Location or Vote-By-Mail Status.

We learned at approximately 7:00pm on Friday, October 30, 2020, that much of the functionality in the voter information lookup tool on your website had been deactivated. Prior to Friday, this tool could be used by voters to find their polling place location and track the status of their vote-by-mail ballot.¹ Now it only provides voters with their own information: their name, address, voter identification number, party, and registration status. Instead of providing voters with their polling place location and vote-by-mail ballot status, the tool directs them to a separate page on your website that lists contact information for all 67 Supervisors of Elections (SOEs).²

The Secretary of State website still incorrectly advises voters that they can use the voter information lookup tool to check for “voting status including your polling place, sample ballot and vote-by-mail ballot status.”³ In order to access the tool, first must voters must input their personal information, and then must complete a complex online security verification procedure.⁴ Only after voters successfully complete these procedures is it revealed that they cannot obtain their polling place location and the status of their vote-by-mail ballot from the voter information lookup tool, and instead must go to their County SOE for this information.

On the morning of Saturday, October 31, 2020, Liza McClenaghan, State Chair, Common Cause Florida attempted to call the Secretary of State Voter Assistance Hotline (866.308.6739) to inquire about this issue, but was notified that the hotline was not open. At 12:07 p.m. the same day, Ms. McClenaghan emailed Maria Matthews, the Director of the Elections Division at the Florida Department of State, to alert her to this issue. As of the sending of this letter, Ms. McClenaghan has not received a response from Ms. Matthews.

2. Voters and Organizations Across the State Rely on the Voter Information Lookup Tool.

For years, voters have come to rely on the Secretary of State’s voter information lookup tool to find their precinct and check their vote-by-mail status. The federal Election Assistance Commission and the National Association of Secretaries of State have both verified the voter

¹ *Voter Information Lookup*, Florida Department of State, <https://registration.elections.myflorida.com/CheckVoterStatus>. The voter information lookup tool also informed voters of the date their vote-by-mail ballot was requested and sent, the address it was sent to, and whether the vote-by-mail ballot had been counted, among other things.

² *Contact Your Supervisor of Elections*, Florida Department of State, <https://dos.elections.myflorida.com/supervisors/>.

³ *Voter Information Lookup*, Florida Department of State, <https://registration.elections.myflorida.com/CheckVoterStatus>.

⁴ The online security measures require voters to, among other things, select from all images that bear particular characteristics from a panel of images, certify that they are not a robot, and agree to certain statements.

information lookup tool as the trusted source of information for voters to locate their polling place; both websites provides links directly to your voter information lookup tool for this purpose.⁵ Moreover, countless nonprofit, advocacy, and political organizations, including many of the organizations signing this letter, have invested significant resources towards voter education and outreach efforts directing voters to the voter information lookup tool on your website. These organizations have done so in reliance on your commitment to provide a centralized portal for all Floridians to find their polling place and verify their vote-by-mail status.

Although voters can use their County SOE website to find their precinct and track their vote-by-mail ballot, this mechanism is drastically inferior to the voter information lookup tool. County SOE websites have inconsistent configurations and layouts and place the link to track vote-by-mail ballots in different places. Many of the County SOE websites are not intuitive and voters may struggle to navigate those websites to find necessary information.⁶ Simply referring voters County SOE websites is not a suitable alternative, especially because your website does not direct voters to the precise page within each SOE website for this information.

3. Immediately Restore the Full Functionality of the Voter Information Lookup Tool.

It is imperative that you immediately restore the full functionality of the voter information lookup tool. Your decision to deactivate this tool without notice creates voter frustration and confusion and will frustrate the missions of countless organizations that rely on the tool across the state.

Voters who are unable to confirm their polling place location may go to the wrong place to vote or may not vote at all. Voters who are unable to confirm that their ballot was received may attempt to vote in person, which will needlessly contribute to longer lines on Election Day. Voters may try calling the voter assistance hotline or their SOE for assistance, unnecessarily increasing phone traffic on Election Day. Voters who would have relied on the voter information lookup tool to learn that their ballot was rejected may lose precious time to cure their ballot.

We urge you to correct the issue today and respond in writing by 10:00 a.m. tomorrow, November 2, 2020, to inform us of the steps you have taken to address this issue.

⁵ *Register and Vote in Your State*, U.S. Election Assistance Commission, <https://www.eac.gov/voters/register-and-vote-in-your-state>; *Find Your Polling Place*, National Association of Secretaries of State, <https://www.nass.org/can-i-vote/find-your-polling-place>.

⁶ For example, Orange and Sarasota Counties use a different platform to provide voters with information about the status of their vote-by-mail ballot. In addition, some counties do not confirm that vote-by-mail ballots have been counted.

Sincerely,

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cc: Brad McVay, General Counsel, Florida Department of State; Maria Matthews, Director, Elections Division, Florida Department of State

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.

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.

The League of Women Voters of Florida

The League of Women Voters of Florida, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. The League works year-round across the state of Florida to register voters, provide voters with election information through voter guides as well as candidate forums and debates.

Lawyers’ Committee for Civil Rights Under Law

The Lawyers’ Committee for Civil Rights Under Law, a nonpartisan, nonprofit organization, was formed in 1963 at the request of President John F. Kennedy to involve the private bar in providing legal services to address racial discrimination. Now in its 57th year, the Lawyers’ Committee is continuing its quest to “Move America Toward Justice.” The principal mission of the Lawyers’ Committee is to secure, through the rule of law, equal justice for all, particularly in the areas of voting rights, criminal justice, fair housing and community development, economic justice, educational opportunities, and hate crimes.

Campaign Legal Center

The nonpartisan Campaign Legal Center (CLC) advances democracy through law at the federal, state and local levels, fighting for every American’s rights to responsive government and a fair opportunity to participate in and affect the democratic process. CLC seeks a future in which the American political process is accessible to all citizens, resulting in representative, responsive and accountable government.

SPLC Action Fund

The SPLC Action Fund is dedicated to fighting hate and bigotry and to seeking justice in our society. Using lobbying, grassroots organizing, and other forms of advocacy, the SPLC Action Fund works toward the day when the ideals of equal justice and equal opportunity will be a reality for everyone.

Florida for All Education Fund

Florida for All Education Fund (FFAEF) is a 501(c)(3) coalition founded by community and membership organizations from across Florida. FFAEF's efforts bring together the strategic and organizing capacities of groups who are deeply rooted in organizing in communities of color toward a vision of racial, gender, and economic justice. Our long term goal is to facilitate alignment, depth of trust and coordination with progressive groups across the state, build community empowerment through community organizing and civic engagement programs.

The Florida 501(c)(3) Civic Engagement Table

The Florida 501(c)(3) Civic Engagement Table was founded with the expectation that greater coordination among (c)(3) organizations across the state would lead to an overall increase in civic participation among historically marginalized communities. We, along with our partners, share a vision of achieving full participation and representation in our democracy among historically marginalized communities throughout the state of Florida.

Fair Elections Center

Fair Elections Center is a national, nonpartisan voting rights and election reform organization which works to remove barriers to registration and voting for traditionally underrepresented constituencies. Formed in 2017 to continue the work of the Fair Elections Legal Network, the Center works to improve election administration through legislative, legal and administrative reform, to protect access to the ballot through litigation, and to provide election law expertise, voter information and technical assistance to voter mobilization organizations.

Demos

Demos is a dynamic “think-and-do” tank that powers the movement for a just, inclusive, multiracial democracy. Through cutting-edge policy research, inspiring litigation and deep relationships with grassroots organizations, Demos champions solutions that will create a democracy and economy rooted in racial equity. Our name means “the people.” It is the root word of democracy, and it reminds us that in America, the true source of our greatness is the diversity of our people.

American Civil Liberties Union of Florida

The ACLU of Florida is freedom's watchdog, working daily in the courts, legislatures and communities to defend individual rights and personal freedoms guaranteed by the Constitution and the Bill of Rights. For additional information, visit our website at: www.acluf.org.

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.

LatinoJustice PRLDEF

LatinoJustice PRLDEF works to create a more just society by using and challenging the rule of law to secure transformative, equitable and accessible justice, by empowering our community and by fostering leadership through advocacy and education. For more than 40 years, LatinoJustice PRLDEF has acted as an advocate against injustices throughout New York and beyond. To learn more about LatinoJustice, visit www.latinojustice.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.