



## FLORIDA SUPERVISORS OF ELECTIONS

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March 22, 2021

Florida Supervisors of Elections Statement on PCB-PIE 21-05

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General Counsel

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In 2020, Florida was universally praised for our exemplary conduct of elections – from the very highest offices at the federal and state level to our most important stakeholders, voters. Before making sweeping changes to election law, it's important to consider how Florida's elections experts expect this proposed legislation to impact the conduct of future elections and the voter experience. Below, we outline our primary concerns with this proposed legislation.

Several of the proposed provisions in the bill will negatively impact the voter experience:

1. Restricting signature verification to the most recent signature on file is a disservice to the voter, whose most recent signature may be an electronic signature issued during in-person voting or at DHSMV. Retaining the authority to review multiple signatures on file, including those that were signed on paper, provides for a more accurate signature verification process.
2. In 2020, 1.5 million Vote By Mail voters took advantage of the convenience and security of drop boxes. The proposed requirement that those voters present a Florida Driver License or Florida ID before returning a Vote By Mail ballot in a drop box, and complete an affidavit if the address on their ID doesn't match the ballot envelope, will result in long lines and inconvenience. If this is meant to prevent "ballot harvesting," we recommend limiting the number of ballots someone can return. Limiting the number, rather than basing restrictions on relationships, would also accommodate those voters who do not have immediate family to help them.
3. Current law protects voter signatures – they may be viewed but not reproduced. There is no way to ensure the protection of voter signatures if they are made available electronically, as is proposed in this bill.
4. Secrecy sleeves are provided in every Vote By Mail package, and most but not all voters use them. Requiring that ballots **must** be returned inside the secrecy envelope for their ballot to be counted would result in numerous valid ballots being thrown out unnecessarily.
5. Millions of voters have Vote By Mail requests on file that are valid through 2022 or 2024. It is unclear whether the proposed revision to F.S. 101.62 would cancel Vote By Mail requests made prior to November 3, 2020. It is in the voters' best interest that existing Vote By Mail requests should not be cancelled.

Other proposed changes add time-intensive, costly procedures to the conduct of election and jeopardize the timely reporting of election results:

1. The proposed requirement to post adjacent images of every Vote By Mail signature and the most recent signature on file on a website, sortable by precinct, presents an enormous operational and financial burden. This would likely quadruple the workload involved with signature verification, not including the cost involved with hiring and training additional staff to do the work. In addition, we cannot predict the amount of time that may be added to the process to accommodate challenges that would go to the Canvassing Board. This bill includes no protection against frivolous challenges that could be issued to slow the process down and does not require those challengers to be trained in signature verification, as our staff and Canvassing Board are. As an alternative, we suggest instituting an audit process in which a percentage of Vote By Mail ballots are randomly selected and reviewed by the Canvassing Board.
2. The proposed requirement to upload adjacent images of original and duplicated ballots would be another time-consuming, expensive and unnecessary process. Many of the ballots that are duplicated are damaged ballots, so batch scanning is not an option. In Hillsborough County alone, this provision would have required 24,000 individual scans and uploads for the 2020 General Election. Florida's Supervisors of Elections follow careful procedures with multiple reviews to ensure that every ballot is duplicated accurately. Florida law already requires duplication to take place in the presence of witnesses and allows observation by parties, candidates or designees. If further accountability is sought, we recommend instituting an audit process.
3. It's been proposed that duplicated ballots be on colored paper. Florida's election equipment is not currently certified to scan and tabulate ballots issued on colored paper.
4. Political parties and candidates already have daily access to Vote By Mail information, including the voter's name, the address the ballot was mailed to, dates of delivery and receipt, and signature verification status. There is no need to create additional requirements around this, nor should voters affiliated with political parties be treated differently than voters who are not affiliated with a party.

Florida's Supervisors of Elections feel strongly that we must be advocates for our voters. It's our intention that all eligible voters have convenient and ample opportunities to vote, and that the elections in which they cast their ballots are safe and secure. Calling for unnecessary election reforms doesn't just endanger our ability to conduct elections efficiently and effectively. It also risks destroying the voter confidence that we have worked so hard to earn.