

October 16, 2024

Ron DeSantis
Governor of Florida
PL 05 The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

Cord Byrd
Secretary of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

RE: Emergency Actions to Ensure Voting Access after Hurricane Milton

Dear Governor DeSantis and Secretary Byrd:

The below-signed organizations, in our commitment to protecting the freedom to vote for all citizens, are writing to express our deep concern about the combined impacts of Hurricanes Milton and Helene on Floridians' ability to vote without obstacles in the 2024 General Election. Time is of the essence, as voting by mail has already begun and early voting begins for some counties in less than a week.

We appreciate the issuing of Executive Order Number 24-212¹ in the wake of Helene, which will provide Supervisors of Elections in some affected counties with much-needed flexibility to serve voters in those counties. We urge you to supplement this order as soon as possible with additional action due to the severity of Hurricane Milton and its impacts on counties not included in Executive Order Number 24-212.

We call on Governor DeSantis to expand the definition of "Affected Counties" as issued in the executive order to include any county currently subject to any Federal Emergency Management Agency (FEMA) disaster designation due to Hurricane Helene and/or Hurricane Milton. As of October 15, this includes Brevard, Charlotte, Citrus, Clay, Collier, Columbia, DeSoto, Dixie, Duval, Flagler, Franklin, Gilchrist, Glades, Hamilton, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Madison, Manatee, Marion, Martin, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, Sarasota, Seminole, St. Johns, St. Lucie, Suwannee, Sumter, Taylor, Volusia, and Wakulla Counties.^{2 3}

The destruction caused by Hurricane Milton has significantly disrupted election administration in affected counties, some of which are still recovering from damage due to Hurricane Helene. Unable to return to their homes and struggling to recover, Floridians are being forced to navigate and identify alternative

¹ <https://www.flgov.com/wp-content/uploads/2024/10/EO-24-212.pdf>

² <https://www.fema.gov/disaster/4834/designated-areas>

³ <https://www.fema.gov/disaster/4828/designated-areas>

means of voting. Election officials in several counties have reported challenges arising from displaced voters and poll workers, as well as damage and disruptions to voting sites and other election infrastructure.⁴ Many Floridians have faced or are still facing lengthy power outages, flooding, blocked roads, gasoline shortages, and a lack of internet access. Supervisors of Elections need extended time and flexibility to address the widespread damage and displacement from Hurricanes Milton and Helene.

As local officials and emergency management experts identify additional counties where Hurricane Milton severely impacts voters, we urge you to holistically look at all factors that could hinder voters' ability to participate in the November election. Including impacts on election infrastructure identified by local election officials, including but not limited to power outages, loss of cell phone service, lack of internet access, damage to homes, disruptions to individual and public transportation, the loss of property including identification documents, and disruptions to the United States Postal Service (USPS) should all be considered.

According to Section 9 of Executive Order Number 24-212, Secretary of State Byrd has been delegated the authority to “suspend the provisions of any regulatory statute within the purview of the Department of State prescribing the procedures for the conduct of state business or the orders or rules of the Department, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency.”

In light of the above, we respectfully request that the Governor and Secretary of State take the following emergency actions to ensure voting access for all Floridians.

1. Vote-by-Mail

- Ensure accessibility for displaced voters who are more likely to vote by mail.
- Direct, rather than merely allow, Supervisors in all affected counties to accept telephonic and written (including email) requests for a vote-by-mail ballot to be mailed to an address other than the voter's address on file, without requiring the voter to complete the Statewide Vote-by-Mail Request Form ([DS-DE 160](#)). This is essential to ensure displaced voters can promptly receive their vote-by-mail ballot at their temporary address.
 - Displaced voters in affected counties must be able to request and receive mail ballots at addresses other than the address on file in the Florida Voter Registration System. This flexibility should be available in all affected counties, and it should not be optional for Supervisors of Elections who serve voters in an affected county.
- Direct, rather than merely allow, Supervisors to send vote-by-mail ballots via forwardable mail such that displaced voters who have provided a forwarding address to USPS do not need to request a new ballot.
- Allow Supervisors in affected counties to expand their use of Secure Ballot Intake Stations by allowing voters to drop their ballots off at all polling places and election offices on Election Day and by allowing counties to offer them beyond the hours that sites are open during early voting,

⁴ Garcia, J. (2024, October 15). Tampa Bay elections offices prepare for voters after hurricanes. *Tampa Bay Times*. Retrieved from <https://www.tampabay.com/news/florida-politics/elections/2024/10/15/tampa-bay-elections-offices-prepare-voters-after-hurricanes/>.

provided they are still monitored in person by an employee of the supervisor's office in accordance with 101.69(2)(a), Florida Statutes.

- Voters with disabilities and elderly voters will face additional hurdles to casting a vote-by-mail ballot and may need to rely on members of the community to assist in turning in their ballot. As such, we ask that you suspend criminal penalties on a “person who distributes, orders, requests, collects, delivers, or otherwise physically possesses more than two vote-by-mail ballots per election” under 104.0616(2), Florida Statutes, provided that Secure Ballot Intake Stations are monitored in person by an employee of the supervisor's office in accordance with 101.69(2)(a), Florida Statutes.
- Extend the deadline for voters to request a vote-by-mail ballot from October 24 to October 26.
- Advise Supervisors to accept vote-by-mail ballots that are returned in taped or damaged envelopes.
- Create a page on the Division of Elections website where voters registered in any county can submit a vote-by-mail request using a statewide phone number and online request form, or a page of the Division's site with hyperlinks to the vote-by-mail request form links and phone numbers for each county.
- Direct Supervisors in all counties to forward any paper vote-by-mail requests submitted to them from a voter registered in another county to the elections office in the appropriate county.
- Model the provision in North Carolina's unanimous bipartisan State Board of Elections resolution responding to Hurricane Helene, which creates multi-partisan teams who are to assist voters with vote-by-mail at disaster shelters and locations where voters seek emergency services.⁵
- Accept returned vote-by-mail ballots if postmarked by or on Election Day, and received within ten days after the election, in line with the current statutory timeline for military and overseas vote-by-mail federal ballots.
- Direct Supervisors to accept completed vote-by-mail ballots received for other counties, and to forward those ballots to the elections office in the appropriate county.
- Extend the deadline to cure vote-by-mail ballots by two days, to 5 pm on the fourth day after Election Day.
- Provide an emergency allocation to all counties to pay for return paid postage for vote-by-mail ballots.

2. Early Voting

- Require Supervisors in affected counties to conduct early voting every day beginning October 21 through Election Day, November 5 as previously allowed by your issuance of Executive Order Number 19-82,⁶ and provide financial support to enable Supervisors to meet this requirement.
- Extend mandatory early voting hours in affected counties from eight hours to 12 hours per day throughout the early voting period, and provide financial support if necessary.
- Require Supervisors in affected counties to prominently highlight and post any changes to early voting sites on their websites and social media and assign staff or post clear signage at the closed sites to redirect voters.

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<https://www.ncsbe.gov/news/press-releases/2024/10/07/bipartisan-state-board-unanimously-approves-measures-help-wnc-voters>

⁶ https://www.flgov.com/wp-content/uploads/orders/2019/EO_19-82.pdf

3. Election Day Polling Locations

- Please give Supervisors in affected counties the authority to set up voter centers where all voters registered in a county may vote county-wide on Election Day as previously allowed by Executive Order Number 19-82. Encourage Supervisors to use early voting sites that have already been distributed equitably throughout the county to lessen voter confusion and require that voters be informed by all means at the Supervisor's disposal including the use of direct mail, telephone, email, text, website, and social media.
- Regardless of whether you allow the use of vote centers, we ask that you allow Supervisors in affected counties to extend voting at early voting sites through 7 pm on Election Day, and allow any voter in the county to cast their ballot at any of these sites regardless of the precinct they are assigned to.
- Require Supervisors in affected counties to prominently highlight and post any changes to Election Day polling locations on their websites and social media and assign staff or post clear signage at the closed locations, to ensure voters are informed about where to cast their ballot in addition to notice requirements outlined in 101.71(2), Florida Statutes.

Information about changes to early voting sites, and poll places, as well as information about voting by mail, must be easily accessible to voters impacted by hurricanes. To that end, we make the following suggestions:

- Update websites for both the Division of Elections and the Division of Emergency Management (FloridaDisaster.org) to prominently include information regarding changes to voting procedures or locations in affected counties through Election Day, November 5.
- Section 8 of Executive Order Number 24-212 requires Supervisors to “provide notice...to the public in a manner designed to ensure widespread dissemination of voting information in the Affected County” for actions taken under this Executive Order. This information should also be included on the Division of Elections website and the Division of Emergency Management website and should include information about any poll workers from other counties who will be working in the Affected County.
- Instruct Supervisors in affected counties to update their websites and social media through Election Day to prominently display information about all changes to election procedures related to Hurricane Helene, and provide a prominent link on both the Division of Elections and the Division of Emergency Management websites to the individual counties’ Supervisor of Elections webpages for Hurricane Helene information. This will provide voters with multiple points of access to up-to-date information on county-level election infrastructure and voting options.
- Model the bipartisan North Carolina Board of Elections effort to keep voters affected by Helene informed about changes to elections through the creation of [a state website](https://www.ncsbe.gov/voting/upcoming-election/helene-recovery-and-voting)⁷ with tips for voting, emergency information, and changes to poll places or voting times which are updated daily, as well as links to County Supervisors of Elections, emergency services, and other resources.

⁷ <https://www.ncsbe.gov/voting/upcoming-election/helene-recovery-and-voting>

We request that you make the following information available on the Division of Elections and Division of Emergency Management websites and any other storm response page the state may set up to inform voters and that this information be updated in real-time as changes are made:

1. How to vote by mail for voters in affected counties, including:
 - a. How voters can obtain and cast a vote-by-mail ballot if they cannot access their mailing address;
 - b. How voters can obtain and cast a vote-by-mail ballot if they have already requested but cannot locate their vote-by-mail ballot; and
 - c. How voters can verify whether a vote-by-mail ballot they have already sent back was received, and what to do if it was lost or destroyed.
2. The dates, hours, and locations for vote-by-mail drop-off at Secure Ballot Intake Stations in affected counties.
3. The days and hours during which affected county Supervisor of Elections offices will be open and fully functional, including locations and contact (phone and email, at minimum) information for county Supervisors of Elections in affected counties, highlighting any changes.
4. The dates, hours, and locations for early voting in affected counties, as well as the highlighting of any changes.
5. The list of acceptable forms of voter identification with instructions on how to obtain a new Florida driver's license or state identification card for those who may have lost documentation due to storms.
6. How to vote in person at early voting sites during the early voting period and, if relevant, on Election Day, including whether displaced voters can vote at these locations if outside their precinct.

We appreciate the work you, Florida's Supervisors of Elections, and others are doing to maintain and restore critical election infrastructure in the face of this disaster. We stand ready to consult on any aspect of the above and related voter access issues and to assist in providing information to voters through the nonpartisan Election Protection coalition and 866-OUR-VOTE hotline.

Thank you for your attention and cooperation,

Adora Obi Nweze
President
NAACP Florida State Conference

Amy Keith
Executive Director
Common Cause Florida

Andrea Mercado
Executive Director
Florida Rising

Angie Nixon
Executive Director
Florida for All

Bacardi Jackson
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All Voting is Local

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Tark Aouadi
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Tessa Petit
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Tony DePalma
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CC: Brad McVay, Deputy Secretary
Maria Mathews, Director, Division of Elections