

**Written Testimony before the U.S. House of Representatives,  
Subcommittee on Elections of the Committee on House Administration**

**Hearing Entitled “Voting Rights and Election Administration in Florida”**

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Chairwoman Fudge and distinguished Members, it is an honor to appear before you today at this important hearing on the basic principle which serves as the foundation for our entire Democracy—voting. I want to start by applauding the 116<sup>th</sup> Congress for passing HR1- a sweeping reform bill that works to increase access to voting and transparency in our process.

In 2018, we saw a record number of Floridians use their voice at the ballot box. In a non-presidential election year, 8.2 million people cast their vote - almost 2 million more than projected. In 2018 African American voters increased their participation by almost 150% over 2014 and Hispanic voters increased by nearly 97% over 2014. Historic turnout. Florida voters also voted to pass Amendment 4 - restoring voting rights to formerly incarcerated citizens and making Florida a forgiving state, one that believes in second chances and does not judge its' citizens by their worst day.

We should all be proud of these victories, but the 2018 elections in Florida also displayed some inequities that still exist in our electoral system. Out of 8.2 million votes cast, 83,000, or 1%, were deemed “invalid”<sup>1</sup>. In a state where elections are often decided by 1% or less, this margin can change the outcome of an entire election. By way of background, the reasons for a ballot to be marked “invalid” include:

- **Vote by mail (VBM):** ballots mailed well ahead of the Nov. 6<sup>th</sup> election but not received at the Supervisor of Elections office by 7pm on Election day.
- **Missing or signature mismatch:** vote by mail ballots where a voter’s signature on the security envelope is missing or does not match a signature on file.
- **Votes for more than one candidate:** The voting equipment picks up 2 candidates for the same office.
- **Blank/write in ballots**

Last year, over 2.6 million people<sup>2</sup> voted by mail in Florida. Researchers have found that the statewide average of rejected VBM ballots in the 2018 election was 1.2 percent, a rate even higher than in 2012 or 2016 presidential elections.<sup>3</sup> The rejection rate is higher in Broward

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<sup>1</sup> [Associated Press, 2019.](#)

<sup>2</sup> [Florida Division of Elections: Archived Early Voting and Vote-by-Mail Statistics](#)

<sup>3</sup> Daniel A. Smith, “Vote-By-Mail Ballots Cast in Florida,” American Civil Liberties Union of Florida (Rev. Sept. 2018). (Last visited March 30, 2019) [https://www.acluf.org/sites/default/files/acluf - vote\\_by\\_mail - report.pdf](https://www.acluf.org/sites/default/files/acluf - vote_by_mail - report.pdf).

County- with 2.8 percent of VBM ballots rejected and even higher among voters between the ages of 18-21<sup>4</sup>. As the rest of Country applauded the young organizers from Parkland for getting engaged in the civic process to make change in their communities, it is estimated that 15 percent of mail-in ballots submitted by Parkland residents between the ages of 18 and 21 were never counted in the 2018 election.

To add to this troubling data, ACLU Florida and the University of Florida analyzed the 2014 and 2016 elections and produced a report which found “that younger and ethnic minority voters were much more likely to have their VBM ballots rejected, and less likely to have their VBM ballots cured when they were flagged for a signature mismatch”<sup>5</sup>

Our Democracy is only as good as the integrity of its systems. Such troubling facts should concern all of us and move us to action. That is why I am here today. Because I believe, as my grandmother used to say, that “when you know better, you do better”. After every election, we have the opportunity to evaluate, improve and secure our systems. At the state level, there are several measures that can be taken:

1. **Allow same-day registration.** Current Florida law closes voter registration 30 days before an election — the most restrictive deadline allowed by federal law. Same-day voter registration would eliminate arbitrary deadlines that cut off registration when voters are most interested, remedy inaccurate voter rolls, and assist geographically mobile, lower-income citizens, young voters and voters of color.

Florida should allow voter registration every day of the year, including same-day voter registration during Early Vote and on Election Day. Seventeen states and the District of Columbia offer same-day registration.

2. **Repeal Florida’s onerous voter registration laws.** Florida laws governing voter registration are among the most restrictive in the country, requiring anyone who registers new voters to register with the Secretary of State, submit the forms within ten days, and comply with a barrage of onerous, bureaucratic requirements. These laws, passed in 2012, were designed to make voter registration harder for groups like the League of Women Voters, and should be repealed.

3. **Standardize and fund early vote across the state.** Counties across Florida have differing early voting timelines, causing confusion among voters who frequently hear conflicting information. Florida must standardize early voting and end the practice of allowing counties to choose how many early voting days they will offer within a 15-day window.

Early voting should be mandated statewide for all counties for the 15 days before Election Day, including the Sunday before Election Day.

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<sup>4</sup> [Washington Post, 2019.](#)

<sup>5</sup> [ACLU Report: Vote-By-Mail Ballots Cast in Florida](#)

- 4. Paid postage for absentee ballots.** No one should be excluded from voting because they can't find a stamp. Currently, only a few counties (e.g., Pinellas) pay the return postage on all absentee ballots.

All absentee ballots should have their return postage prepaid.

- 5. Allow ballots postmarked by election day to be counted.** Current Florida law allows only absentee ballots received by Election day to be counted. This arbitrary rule disenfranchises voters whose ballots were mailed before Election Day but not received at their local SOE office.

Ballots postmarked by Election Day should be valid.

- 6. Increase funding for SOE offices.** Supervisors of Elections offices across Florida are in dire need of additional funding, as the demands of an ever-increasing electorate meet the hard reality of insufficient budgets. In the 21st Century, every SOE office in Florida should have electronic poll books, modern voting equipment, and a staffing level up to the challenge of large turnout elections. In 2018, as in past elections, equipment failures have led to long lines at the polls, with broken printers, for example, causing long lines in Miami-Dade this year. Further, staff at SOE offices are often overworked and undertrained; they must be given the resources and training to succeed.

The state should appropriate additional funds for essential election infrastructure.

- 7. Mandate electronic poll books to make voter registration portable statewide.** Currently, a voter who moves to a Florida locality that doesn't use electronic poll books must cast a provisional ballot. This should be changed to allow voters to move without updating their voter registration to cast a ballot at their new local polling place.

All SOEs should use electronic poll books to ensure that registered voters are not disenfranchised by a change of address.

Florida counties with electronic poll books do this, as do five other states: Delaware, Maryland, Ohio, Oregon, and Utah.

- 8. Fix signature matching.** Currently absentee ballots whose signatures do not match the voter's existing signature on certain government documents are not counted, and the voter is notified of the problem. Under current law, a voter has until the Monday *before* Election Day to remedy the issue. Signature matching problems overwhelmingly disenfranchise the marginalized populations, however, and in November, a court struck down Florida's signature matching law.

We need greater uniformity in the procedures employed by Supervisors of Elections, their staff, and canvassing boards to process, validate and, if necessary, cure VBM ballots.

There is work to be done at the Federal level as well. In addition to these state-level measures, we need our Federal delegation to enact measures that address voter suppression **before** it occurs, not just after. Florida was covered by the Voting Rights Act preclearance formula that was struck down by the Supreme Court in 2013 in *Shelby County v. Holder* and gutted the Voting Rights Act. Under the formulas in the remedial legislation, the Voting Rights Advancement Act<sup>6</sup>, we expect that Florida would again be covered, requiring the Justice Department to pre-clear changes to state voting laws. This preclearance provision could potentially block suppressive voting measures before they go into effect.

There are also duties we, as private citizens, must carry out. We need to get off the sidelines, engage in the process and organize to improve our communities. I am encouraged and optimistic about the future of our state and our Country because in 2018 so many Floridians did just that. That is why I am going to continue in this work and am working with partner organizations across the state to register and engage up to 1 million new voters in Florida. We will continue to organize for a Florida that works for all, not just a privileged few.

I love this state. I am a proud, lifelong Floridian. I was born in Richmond Heights, South Miami Dade County. To my mother, a school bus driver, and my father, a construction worker — and when there wasn't any construction work you could find him on a street corner selling fruit and flowers. I'm the fifth of seven children and the first in my family to graduate from high-school and college. Nobody can tell me I don't know what it's like to see intergenerational poverty interrupted at the hands of a good public education. After graduating, I attended the Florida Agricultural and Mechanical University, FAMU, where I was elected as the youngest person ever to be elected to the City Commission — and in 2014, I was elected Mayor of the seventh largest city in the state of Florida — Tallahassee.

Last year, I was honored to become the Democratic nominee for Governor of this great state. This is not partisan for me - I believe all votes should be counted: Republicans, Democrats, and independents—and let the people be the ones to choose who represents them.

Thank you.

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<sup>6</sup> [H.R.4. Voting Rights Advancement Act of 2019](#)