



October 29, 2004

VIA FACSIMILE TRANSMISSION AND E-MAIL

Brenda Snipes, Supervisor of Elections  
Broward County  
115 South Andrews Ave., Room 102  
Fort Lauderdale, FL 33302  
Fax: 954-357-7070

**Re: Urgent registration and Election Day issues**

Dear Dr. Snipes:

We are writing in an attempt to resolve several urgent issues before eligible voters are wrongly denied their right to vote. Reports we have received indicate that some of Broward County's current Election Day plans are woefully inadequate and promise impending disaster if not immediately rectified. Additionally, we have also received information that there are eligible voters in your search/hold files whose registrations have not been processed despite the fact that adequate information has been presented that would allow your office to immediately process their registrations. Both these issues must be addressed immediately in order to prevent the unjust disfranchisement of eligible voters.

Election Day Preparations

ACLU volunteers who visited your office have informed us that on November 2, there will be no laptop computers at any Broward precincts. Even more distressing, the information we have received indicates that as a result of not having a laptop computer, each Broward precinct will have only the voter registration roll for that precinct, and that the precincts will not have direct access, in either hard copy form or by computer (via CD-ROM or live connection), to the full county voter registration roll. We are told that poll workers are to rely on two cell phones per precinct in order to contact the Elections Department in the case of voters who arrive at the polls only to find that their names are not on the list for that precinct, and that only around 175 people will be available at the Elections Department to field such calls.

The unavailability of a countywide voter roll at each precinct and the reliance on the phone system described above is of particular concern since: 1) the November 2000 Presidential Election taught us that relying on phone connections to the Supervisor's office in order to determine a voter's eligibility often failed and that many voters were left waiting for hours, sometimes leaving the polling place in frustration, without ever receiving notice as to their eligibility; 2) reports as of Wednesday indicate that it is already difficult to get through to the Broward Elections Department due to busy signals; and 3) some polling places may not have adequate cell phone reception and cell phone batteries may not last the entire length of Election Day.

Provisional ballots cannot be relied upon to remedy the situation if poll workers are unable to contact the Elections Department in order to determine a voter's eligibility or to direct the voter to his or her correct precinct if the voter has arrived in the wrong one. This is because, as you are aware under Florida law, provisional ballots cast by eligible voters who are in the wrong precinct will be "rejected as illegal". Thus, even with provisional

balloting, the lack of a countywide voter roll at the precinct and the inadequate phone system presage the disfranchisement of large numbers of voters.

In order to remedy this situation, we recommend that you provide a copy of the countywide voter registration roll in every precinct, via laptop computer or paper copy, so that the eligibility and correct precinct of voters can be determined at the polling place. We would also recommend adding additional phone lines and persons to staff them. Even though these resources may be difficult to garner at this late date, to not do so is to fail to learn from the lessons of 2000 and to threaten many citizens' most fundamental right in a democracy – the right to vote.

### Registration Issues

Unfortunately, despite your October 13, 2004 memo informing staff in your office to register those who failed to check the citizenship box but who signed the citizenship oath on the voter registration application, additional voter registration issues have come to our attention. Some voter registration applications were submitted on the old voter registration forms, which required the last four digits of the social security number. It is our understanding that these applications were not processed, even though they did provide a Florida driver's license or Florida ID number, and even though on the new registration form only one of these numbers OR the last four digits of the social security number is required.

Federal law prohibits state or county officials from denying “the right of any individual to vote in any election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election.” 42 U.S.C. § 1971(a)(2)(B). The failure to register people who checked the citizenship box but who signed the citizenship oath was an example of denying the right to vote on just such an unjust and illegal basis. Failure to register those who provided either the last four digits of the social security number OR a Florida driver's license or ID number is another example.

Steps should be taken to immediately review your search/hold registration files in order to register any person who applied by October 4, 2004 and provided your office with all necessary information. Such voters should be telephoned and sent an expedited letter to inform them that they are eligible to vote in this election.

Free and fair elections require two basic ingredients: that every eligible voter has the opportunity to cast his or her ballot and that all the ballots are accurately counted. Your immediate action with regard to the above Election Day and voter registration issues will help ensure that eligible voters in Broward are not denied their right to cast a ballot. Should any of our information concerning the above plans and procedures be incorrect, please inform us immediately. We thank you in advance for your prompt attention to these concerns.

Sincerely,

Howard Simon  
Executive Director  
ACLU of Florida

Courtenay Strickland  
Voting Rights Project Director  
ACLU of Florida