



February 28, 2020
Via Email Only

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Dear Secretary Lee, Director Matthews, Supervisor Andersen, Supervisor Jones, Mr. McVay,
and Ms. Davis,

We the undersigned organizations write concerning the continued recovery efforts from Hurricane Michael and how they may impact voting access during the 2020 election season. We commend the efforts of local and state election officials to restore voting access to affected areas, and would like to work with you as we approach the March 17, 2020 Presidential Preference Primary Election to help identify and remedy any remaining barriers to voting access resulting from the devastation of Hurricane Michael. We are particularly concerned about ensuring equal voting access for African-American and other minority voters and eliminating any potential

disparities in voting access between high- and low-wealth communities, where the pace of recovery remains uneven.

We understand that, pursuant to Executive Order 19-262, issued by Governor DeSantis on November 25, 2019,¹ Supervisor Andersen has designated in Bay County thirteen “Super Voting Sites” – all of which will be open on Monday, March 16 and Election Day, Tuesday, March 17, 2020 from 7:00 AM to 7:00 PM, and six of which will also be open for Early Voting, Monday, March 9 to Sunday, March 15, 2020 from 10:00 AM to 6:00 PM.²

Based on the planned locations of these “Super Voting Sites,”³ we are concerned that African-American voters in Panama City will not have equal access to voting locations⁴ for the Presidential Preference Primary Election and any future elections held under this plan.⁵ Our analysis shows that, under the current plan, several of the areas with the highest concentration of African-American voting-age population are more than a thirty minute walk from any of the proposed sites, with some up to an hour away.⁶

This disparity will be particularly significant if the Glenwood Community Center site – located in the area of highest concentration of African-American voting-age population in Panama City – is not open for voting during the Early Voting period, as is currently planned, despite already serving as a regular polling place on March 16 and March 17.⁷ We therefore request that Supervisor Andersen designate Glenwood Community Center as an additional Early Voting site, and provide public notice of the same.

Our analysis also shows that additional voting sites are needed in the areas of Springfield-Grove Heights,⁸ Delwood Estates-Crestview,⁹ and Lynn Haven-Lake Heights,¹⁰ in order to help alleviate any racial disparity in voting access. We therefore request that Supervisor Andersen designate additional “Super Voting Sites” in these neighborhoods – open for both the Early Voting period and for March 16 and 17 – and provide public notice of the same.

¹ Attached as Exhibit A. See <https://www.flgov.com/2019/11/25/governor-ron-desantis-issues-two-executive-orders-expands-early-voting-in-bay-and-gulf-counties/> for the accompanying press release.

² See <https://www.bayvotes.org/>; <https://www.bayvotes.org/Election-Info/Early-Voting-Sites>.

³ See Exhibit B, attached.

⁴ See 52 U.S.C. § 10301. Section 2 of the Voting Rights Act prohibits discrimination in voting and requires election practices to afford equal access to minority voters. See also Executive Order 19-262, Section 1.a. (providing that Supervisors of Elections in Bay and Gulf Counties designate additional early voting sites such that those sites are “geographically located so as to provide all voters in the aforementioned counties an equal opportunity to cast a ballot”).

⁵ It is unclear whether these same locations and voting hours are planned to be used for other 2020 elections, see <https://www.bayvotes.org/Election-Info/Future-Elections>. To the extent that the plans currently in place for the Presidential Preference Primary are intended to be used for future elections, we reiterate these same requests with respect to those elections.

⁶ See Exhibit C, attached.

⁷ *Id.*; <https://www.bayvotes.org/>.

⁸ See Exhibit C, between sites number 5 and 7.

⁹ *Id.*, between sites number 2 and 6.

¹⁰ *Id.*, to the Southeast of site number 3.

We note that Governor DeSantis issued Executive Order 19-262 in order to “expand[] early voting in Bay and Gulf Counties.”¹¹ Yet, Supervisor Andersen has thus far declined to expand the number of Early Voting days in Bay County to even the normal statutory maximum – beginning fifteen days prior to Election Day¹² – instead beginning Early Voting on March 9, just eight days prior to Election Day – fewer than even the statutory minimum for an election containing a federal race.¹³ These additional Early Voting days are particularly important in Bay County, where so many residents are still dealing with displacement and other challenges following Hurricane Michael. We therefore request that Supervisor Andersen begin Early Voting on March 2 or as soon as possible thereafter, and provide public notice of the same, allowing Bay County voters the maximum number of days to cast their vote.

We are also concerned that the planned hours for Early Voting – 10:00 AM to 6:00 PM from March 9 to 15 instead of 7:00 AM to 7:00 PM¹⁴ – will have a disparate impact on minority and low-wealth voters, who are less likely to be able to take time off from work to vote and who may need to travel longer distances to vote. We therefore request that Supervisor Andersen provide that Early Voting locations will be open from 7:00 AM to 7:00 PM in order to give voters enough time to vote before or after work, and provide public notice of the same. This change would also help prevent any potential confusion resulting from having different polling location hours for Early Voting and voting on March 16 and 17.

Finally, we are concerned that the Bay Town Trolley service will not be running on Sunday, March 15, the final day of Early Voting.¹⁵ Many voters rely on public transportation to get to the polls, and the reduced number of polling places planned for the March Presidential Preference Primary means that trolley service will be especially important for low-wealth voters who lack alternative means of transportation.¹⁶ The lack of trolley service on one of the nine planned voting days may exacerbate wealth disparities in voting access, and this may be felt by African-American voters in particular, many of whom choose to vote on Sunday. We therefore request that Supervisor Andersen work with Bay Town Trolley to add service on Sunday, March 15, and provide public notice of the same. In addition, we request that fares¹⁷ be waived for voters taking the trolley to “Super Voting Sites” throughout all Early Voting and Election Days, in order to make these sites as accessible as possible to all voters regardless of their wealth.

¹¹ See Press Release, Nov. 25, 2019, <https://www.flgov.com/2019/11/25/governor-ron-desantis-issues-two-executive-orders-expands-early-voting-in-bay-and-gulf-counties/>.

¹² F.S.A § 101.657(d) (“Early voting shall begin on the 10th day before an election that contains state or federal races and end on the 3rd day before the election, and shall be provided for no less than 8 hours and no more than 12 hours per day at each site during the applicable period. In addition, early voting may be offered at the discretion of the supervisor of elections on the 15th, 14th, 13th, 12th, 11th, or 2nd day before an election that contains state or federal races for at least 8 hours per day, but not more than 12 hours per day. The supervisor of elections may provide early voting for elections that are not held in conjunction with a state or federal election. However, the supervisor has the discretion to determine the hours of operation of early voting sites in those elections.”).

¹³ *Id.*

¹⁴ Again, below the statutory maximum of twelve hours under normal circumstances. *Id.* We also note that Gulf County has chosen to extend polling place hours to 7:00 AM to 7:00 PM for all Early Voting days. See <https://www.votebay.com/>.

¹⁵ See “Service Hours,” <https://www.baytowntrolley.org/>.

¹⁶ See Exhibit D, attached.

¹⁷ The trolley costs up to three dollars for a round trip. See <https://www.baytowntrolley.org/fares/>.

We also request information concerning the manner in which public notice has and will be provided to Bay County voters concerning the changes in voting locations and procedures in 2020, including plans to ensure that this information reaches African-American voters in Panama City.

We look forward to working with you to ensure that all eligible Floridians enjoy free and equal access to the ballot box in 2020.

Thank you for your attention and anticipated cooperation,

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EXHIBIT A

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 19-262 (Emergency Management-Elections)

WHEREAS, on October 10, 2018, Hurricane Michael made landfall in Bay County as a Category 5 Hurricane with sustained winds of 155 miles per hour disrupting the lives of Floridians throughout Northwest Florida; and

WHEREAS, I, as Governor of Florida, have witnessed the destruction and damage to homes, public roadways, and public and private facilities that still exist as a reminder of the long road to recovery for Northwest Florida; and

WHEREAS, the effects of Hurricane Michael have had a particular impact, continuing to this day, on Northwest Florida, with reports of severe damage to infrastructure; and

WHEREAS, the Supervisors of Elections for Bay and Gulf Counties have reported to Florida's Secretary of State that one or more early voting locations and polling locations have sustained damage and are unusable or otherwise unsafe for public use; and

WHEREAS, ensuring that eligible voters in the aforementioned counties have the opportunity to vote in the 2020 Election Cycle, including the Presidential Preference Primary Election on March 17, 2020, the Primary Election on August 18, 2020, and the General Election on November 3, 2020, is paramount; and

WHEREAS, because of the effects of Hurricane Michael and the direct request from the Supervisors of Elections of the aforementioned counties, the strict application of some provisions of the Florida Election Code may prevent, hinder, or delay necessary action in coping with the emergency and may preclude the Supervisors of Elections in the aforementioned counties from providing voters with the same opportunities to cast ballots as voters outside of the counties; and

WHEREAS, Bay and Gulf Counties are still under the state of emergency declared by Executive Order 18-276, and extended by Executive Orders 18-360, 19-33, 19-98, 19-134, 19-176; 19-207 and 19-261;

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution, by the Florida Emergency Management Act, as amended, by the Elections Emergency Act, and all other applicable laws, do hereby promulgate the following Executive Order, to take immediate effect:

Section 1 (Early Voting):

Because of the foregoing emergency conditions, I hereby suspend the application of the following limited provisions of Section 101.657, Florida Statutes, in Bay County and Gulf County and establish the following limited exceptions related to early voting:

The Supervisor of Elections, who, as a result of the destruction caused by Hurricane Michael, determines that additional early voting opportunities are necessary to provide the voters in his county an adequate opportunity to cast ballots, shall have the authority to:

- a. Designate one or more additional or alternative early voting sites, notwithstanding the deadlines and facility eligibility restrictions set forth in Section 101.657(1)(a) and (b), Florida Statutes, provided the early voting sites are geographically located so as to provide all voters in the aforementioned counties an equal opportunity to cast a ballot, insofar as is practicable; and
- b. Conduct early voting in the aforementioned counties beginning on the 15th day before any federal, state or multicounty election in the 2020 calendar year, whichever is applicable, and ending on the day of the applicable election, at the discretion of the Supervisor of Elections, notwithstanding the provisions of Section 101.657(1)(d), Florida Statutes.

Section 2 (Relocation or Consolidation of Polling Places):

Because of the foregoing emergency conditions, I hereby suspend the application of the following limited provisions of Section 101.001, Florida Statutes, in the aforementioned counties and establish the following limited exceptions relating to polling places:

Notwithstanding the provisions of section 101.001, Florida Statutes, the Supervisor of Elections, who, as a result of the destruction caused by Hurricane Michael, determines that it is necessary to relocate or consolidate any polling place, shall have the authority to relocate or consolidate polling places within the aforementioned counties, including relocation or consolidation of polling places with early voting sites.

Section 3 (Notice to the Public and the Division of Elections):

The Supervisors of Elections for the aforementioned counties who exercise authority under this Executive Order shall immediately certify that fact to the Director of the Division of Elections of the Florida Department of State and shall provide notice to the public regarding any changes in voting locations or procedures in a manner consistent with the law and designed to ensure widespread dissemination of voting information to members of the public in Bay and Gulf Counties, including through print and broadcast media, website postings, and posted signage at polling locations.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 25th day of November, 2019.



RON DESANTIS, GOVERNOR

ATTEST:



SECRETARY OF STATE

FILED
2019 NOV 25 AM 10:56
TALLAHASSEE, FLORIDA

EXHIBIT B

Bay County FL: Locations of Super Voting Sites, 2020 Primary

Super Voting Sites, 2020 Primary

▲ Early Voting 3/9 - 3/15 and Election Days 3/16 - 3/17

▲ No Early Voting: Election Days Only, 3/16 - 3/17

Census Blocks

% Black VAP

- 0% - 20%
- 21% - 40%
- 41% - 60%
- 61% - 80%
- 81% - 100%

*Dot sizes are
proportional to
total VAP*

Number	Site Name
1	Lyndell Conference Center
2	Frank Nelson Bldg
3	Robert's Hall
4	Palo Alto Church of Christ
5	Parkway Presbyterian Church
6	Supervisor of Elections Office
7	Glenwood Community Center
8	La Quinta Inn
9	Woodstock Church
10	Sand Hills Fire Station
11	Youngstown Fire Station
12	Fountain Fire Station
13	Mexico Beach City Hall

0 1 2 3 4 5 6 7 8 9 10 Miles

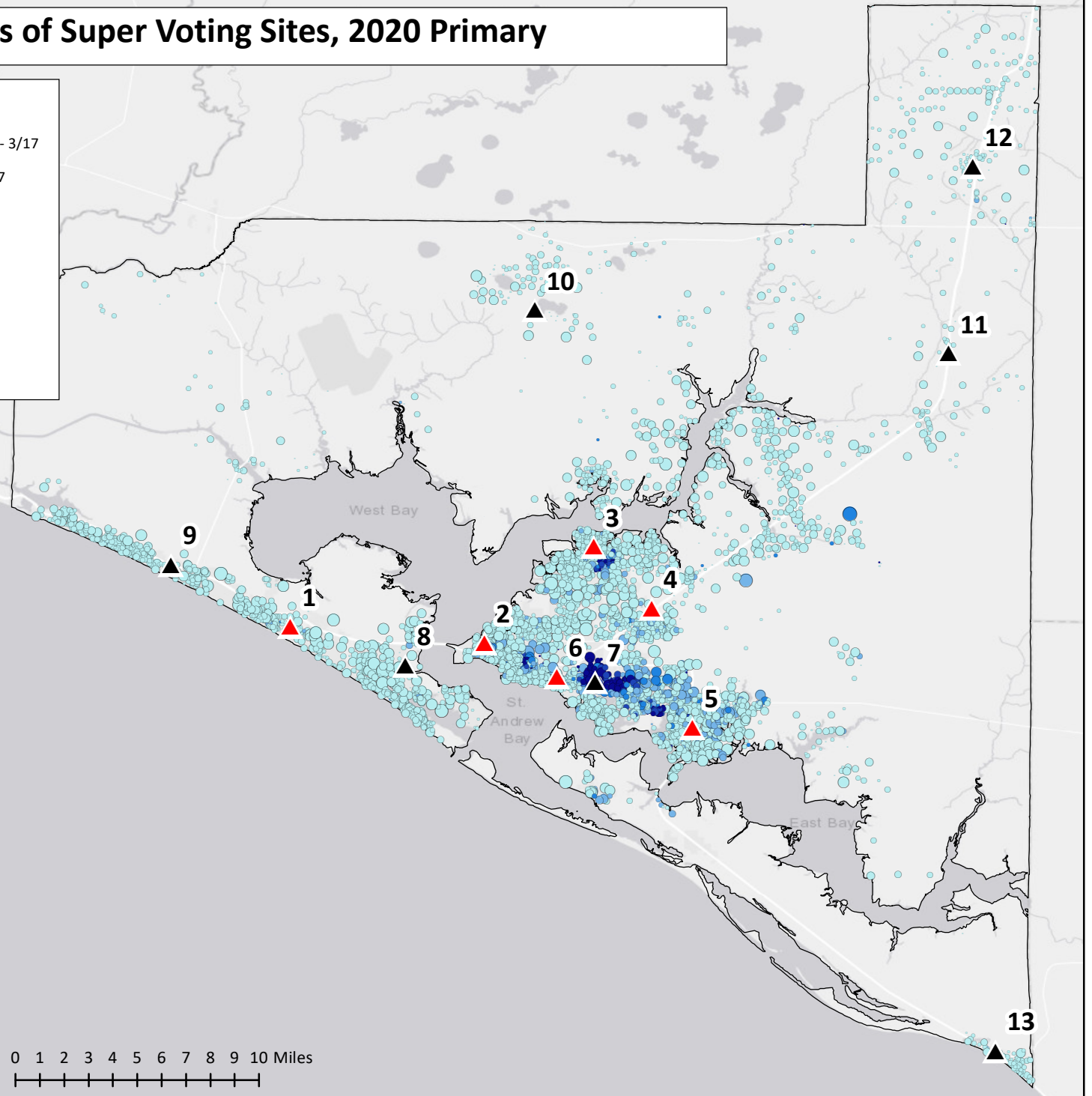


EXHIBIT C

Panama City FL: Locations of Super Voting Sites, 2020 Primary

Super Voting Sites, 2020 Primary

▲ Early Voting 3/9 - 3/15 and Election Days 3/16 - 3/17

▲ No Early Voting: Election Days Only, 3/16 - 3/17

Census Blocks

% Black VAP

- 0% - 20%
- 21% - 40%
- 41% - 60%
- 61% - 80%
- 81% - 100%

*Dot sizes are
proportional to
total VAP*

Minutes Walking Time to Nearest Site

- 1 - 10
- 11 - 20
- 21 - 30
- 31 - 40
- 41 - 50

Number	Site Name
1	Lyndell Conference Center
2	Frank Nelson Bldg
3	Robert's Hall
4	Palo Alto Church of Christ
5	Parkway Presbyterian Church
6	Supervisor of Elections Office
7	Glenwood Community Center
8	La Quinta Inn
9	Woodstock Church
10	Sand Hills Fire Station
11	Youngstown Fire Station
12	Fountain Fire Station
13	Mexico Beach City Hall

0 1 2 3 Miles

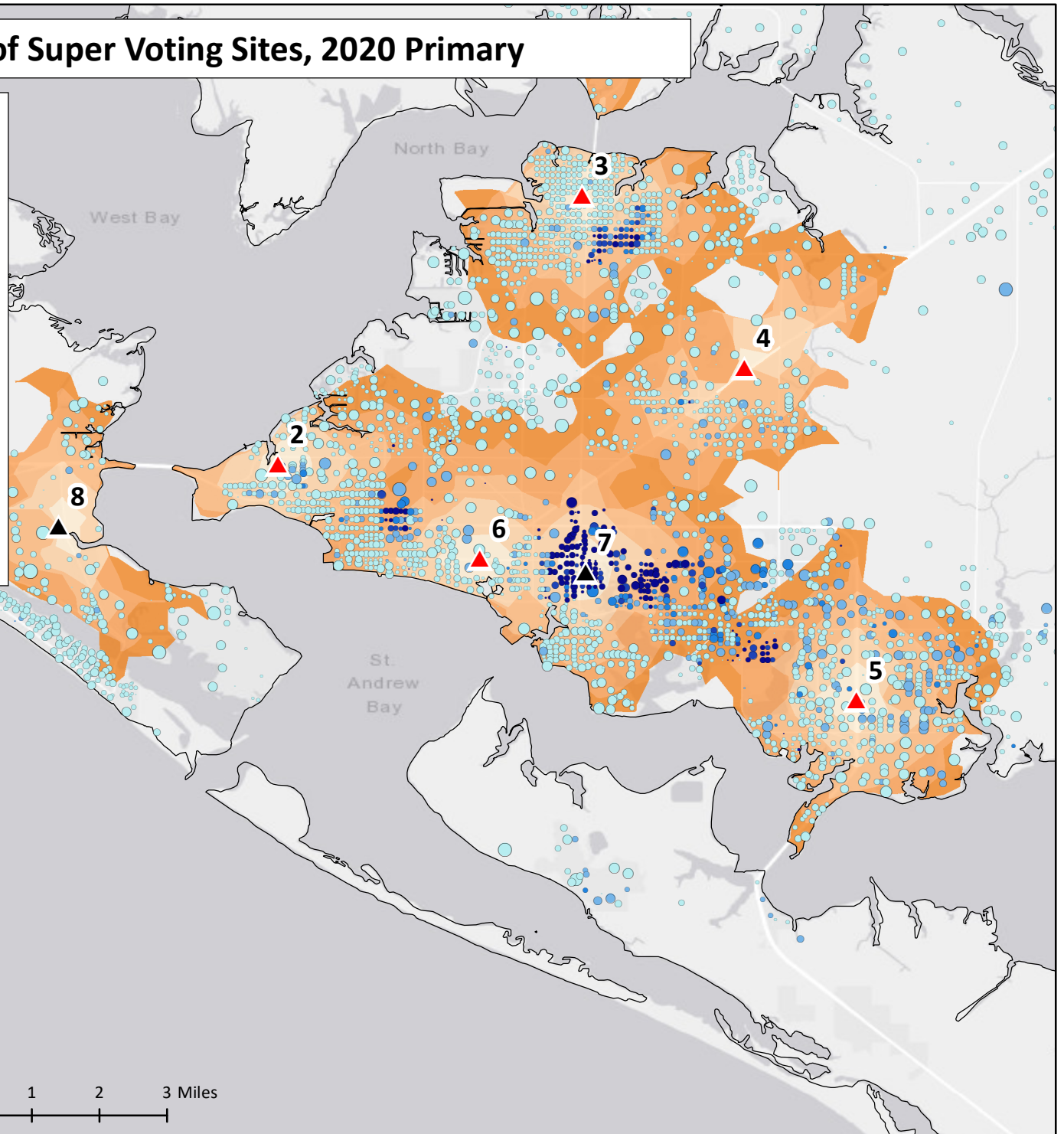


EXHIBIT D

Panama City FL: Locations of Super Voting Sites; Bay Town Trolley Routes; 2020 Primary

