

May 8, 2019

DELIVERED VIA EMAIL

The Honorable Ron DeSantis
Office of Governor
State of Florida
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

Dear Governor DeSantis:



4343 W. Flagler St.
Miami, FL
(786) 363-2700
acluf.org

Micah W. Kubic, Ph.D.
Executive Director

On behalf of more than 130,000 members and supporters of the American Civil Liberties Union (ACLU) of Florida, I write to urge you to veto SB 7066 and HB 5 and ask that you call a special session of the Legislature to address election security and administration issues.

You have stated your intent to implement the will of the 5.2 million voters that voted Yes on Amendment 4, and we call upon you to uphold your promise. Floridians were promised that passage of Amendment 4 would enable up to 1.4 million individuals with prior felony convictions who have completed all the terms of their criminal sentence to vote.

The Amendment 4 restriction language as it stands in SB 7066 will prevent hundreds of thousands of these returning citizens from voting. The bill's definitions of murder and felony sexual offenses are so broad that they improperly exclude individuals for unrelated or inapplicable crimes far beyond what is required by the language of Amendment 4. Further, if implemented, the language will exclude too many individuals with outstanding financial obligations because it requires those individuals to pay despite their financial obligations no longer being part of their criminal sentence. This will have a disproportionately adverse impact on Black and Latino returning citizens, who have much less wealth than white families. To have the state legislature create a law that effectively bases the eligibility to vote on the ability to pay is counter to the promise of Amendment 4 and is unconstitutional.

Finally, the requirement that returning citizens indicate on their voter registration form whether they had a felony — something never required before — will subject them to stigmatization, the potential for discrimination, and ultimately will chill voter registration. Moreover, the form leaves no option for applicants who had their voting rights restored for a past out-of-state or federal conviction before moving to Florida, which will disenfranchise this entire category of eligible Florida voters.

These restrictions are not required by the plain language of Amendment 4. Nor are these restrictions what a supermajority of voters contemplated when they voted Yes on Amendment 4. Based on the thousands of individuals who have called, written and testified before the legislature in opposition to restrictions like



those included in SB 7066, we are confident that Floridians believe their elected officials are undermining their choice to approve Amendment 4. Your implementation of these restrictions will not be in good faith with Florida voters.

The Legislature also passed a bill, HB 5, that makes it extremely difficult for citizen-initiated constitutional amendments to make the ballot. This legislation imposes significant barriers to the ability of Floridians to petition and directly amend our state's constitution when our state government fails to act. Florida already has one of the hardest ballot initiatives processes in the country and if HB 5 becomes law it will become much harder. By taking away Floridians only mechanism to get an issue on the ballot, it restricts the citizen-initiated ballot initiatives that allow Floridians to have a say in constitution and will have a chilling effect on Floridians' engagement in state issues they care about.

At the same time, there are important election administration reforms contained in SB 7066, including an extension of the deadline for cure affidavits and a mandate that the signature on a cure affidavit becomes the signature of record, requiring a voter verifiable paper output for voting machines used by people with disabilities, ballot security for all ballots seen by canvassing boards, and an authorization for the use of email, text message and cell phone to contact voters. In addition, recent reports that the Federal Bureau of Investigation (FBI) believes that computer hackers affiliated with Russian intelligence may have been in a position to alter the voter rolls of at least one Florida county are incredibly problematic as they potentially undercut the validity of Florida's elections. A special session to address these election security and election administration issues is critical to the integrity of our electoral system.

For all the reasons stated we call upon you once again to reject SB 7066 and HB 5 and call a special session of the legislature to address election administration issues critical to the state of Florida.

Thank you for your attention to the above and please contact me if you have any questions or would like any additional information.

Sincerely,

A handwritten signature in black ink that reads "Micah W. Kubic". The signature is fluid and cursive, with a long horizontal stroke at the end.

Micah W. Kubic, Ph.D.
Executive Director