



Legal Assault on Florida's Election Reforms

OVERVIEW

On April 29, 2021, the Florida Senate and House passed SB 90, a commonsense law that seeks to strike the perfect balance between making it easy to vote, yet hard to cheat. The bill was signed by Florida Gov. Ron DeSantis on May 6, 2021.

KEY POINTS

Easy to Vote, Hard to Cheat

SB90 provides a set of fair and consistent rules for Florida elections statewide.

The law bans ballot harvesting and private funding for election-related expenses (such as the controversial grants provided by Zuckerberg during the last election), only allows absentee ballots to be provided to those who actually request one, and protects the integrity of drop boxes while ensuring they remain available to all.

A Common Pattern Emerges

The **same Democratic Party-aligned law firm that filed copy and paste lawsuits earlier this year following the passage of election integrity bills in Georgia, Iowa, and Montana** filed a lawsuit immediately after the legislation was signed into law in Florida.

The Lawsuit's Unsubstantiated and Meritless Claims

The lawsuits are seeking an order forbidding Florida from enforcing the new law, **relying on unsubstantiated claims** that:



The law places an undue burden on Floridians' rights to free speech, to assemble, and to vote.



Information third-party registrants are required to provide to empower and inform is unconstitutional.



Parts of the law are too vague.



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COMMONSENSE ELECTION REFORMS UNDER ATTACK IN FLORIDA

- ✓ **Banning the Use of Private Funds for Election-Related Expenses.** Creates a prohibition against a governmental entity's use of private funds for election-related expenses, preventing billionaires like Zuckerberg from seeking to improperly influence the outcome of elections. (*Section 97.0291, pg. 8, ln. 206-215*)
- ✓ **Improving the Accuracy of Florida's Voter Rolls.** Creates a process by which the Department of Highway Safety and Motor Vehicles must assist the Department of State (DOS) in regularly identifying changes in voter addresses and providing that information to supervisors for their use in updating voter rolls. (*Section 97.057(13), pg. 13, ln. 359-369*)
- ✓ **Setting Rules and Expectations for Third-Party Voter Registration Efforts.** Requires third-party voter registration organizations that collect and turn in voter registration applications to deliver the applications to the county in which the applicant resides within 14 days after they are completed by the applicant, but not after registration closes. They are also required to provide certain notices to applicants along with information on how applicants may register online with the division and how to determine if their application has been delivered. (*Section 97.0575(3)(a), pg. 14-15, ln. 389-407*)
- ✓ **Making Drop Boxes More Protected and Available.** Revises and creates new requirements for the use of drop boxes, including, but not limited to:
 - Requires drop boxes to be geographically located so as to provide all voters in the county with an equal opportunity to cast a ballot, insofar as is practicable. (*Section 101.69(2)(a), pg. 41, ln. 1173-1176*)
 - Limits use of drop boxes other than those at a supervisor's office to early voting hours and requires in-person monitoring of all drop boxes while accessible for deposit of ballots. (*Section 101.69(2)(a), pg. 41, ln. 1176-1183*)
 - Requires each supervisor to publish the location of drop boxes at least 30 days in advance of each election. (*Section 101.69(2)(a), pg. 41, ln. 1186-1188*)
- ✓ **Prohibiting Mass Mailing of Absentee Ballots.** Generally, absentee ballots may only be provided to those who request one. Exceptions are provided for specific groups, including those with disabilities and overseas voters. (*Section 101.62, pg. 35-36, ln. 1015-1020*)
- ✓ **Banning Ballot Harvesting.** Limits a person's lawful possession of ballots to his or her own, those of an immediate family member, and two others; expands the definition of "immediate family member" to include a grandchild (in addition to a spouse, parent, child, grandparent, sibling, or in-law); and clarifies that supervised voting at assisted living facilities and nursing homes is not subject to the limit. (*Section 104.0616(2), pg. 47-48, ln. 1356-1366*)
- ✓ **Protecting No-Solicitation Zones.** Adds drop box sites to the locations protected by the zones, clarifies the definition of "solicitation" and specifies that the definition does not prohibit supervisors' staff or volunteers from providing non-partisan assistance or giving items to voters within the zone. (*Section 102.031(4)(a) & (b), pg. 42-43, ln. 1207-1233*)

THE BOTTOM LINE

SB 90 is a commonsense, non-discriminatory bill with a simple objective: make it easy to vote, and hard to cheat. The lawsuit is likely to fail because the plaintiffs have not demonstrated an unreasonable burden on Florida voters. Moreover, the expanded definition of "solicitation" is not unconstitutionally vague, nor is the requirement that third parties seeking to register voters provide voters with information to empower them to protect their right to vote. With the passage of this law, Floridians should expect the efficiency of their elections to continue to improve and voter participation to continue to rise.

