



LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
U N D E R L A W



June 1, 2012

The Honorable Ken Detzner
Secretary of State
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399
Fax: (850) 245-6125
Email: DOS.SecretaryofState@DOS.MyFlorida.com

CC: Dr. Gisela Salas
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Division of Elections
Director's Office
R. A. Gray Building
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Email: DOSGeneralCounsel@dos.state.fl.us

Re: National Voter Registration Act Compliance

Dear Secretary Detzner:

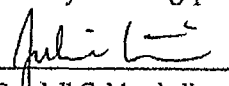
According to multiple media reports and records received pursuant to public records requests, the Division of Elections has, within the past month, distributed lists of over 2,600 registered voters to county supervisors of elections with instructions to begin the removal process for the voters on those lists pursuant to Fl. Stat. § 98.075. The Lawyers' Committee for Civil Rights Under Law, the ACLU Foundation of Florida and the ACLU Foundation Voting Rights Project, write on behalf of Mi Familia Vota, Murat Limage, and Pamela Gomez, to notify you that, in distributing said lists for removal purposes under Fl. Stat. § 98.075, the Division of Elections is in violation of the National Voter Registration Act of 1993, 42 U.S.C. §§ 1973gg, et seq. (the "NVRA").

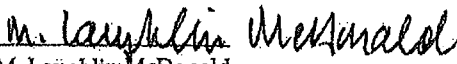
The NVRA expressly requires a state to "complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters." 42 U.S.C. § 1973gg-6(c)(2)(A). A primary election is scheduled for August 14, 2012, and voters will vote on candidates for multiple federal offices on that date. Therefore, all systematic list maintenance activity must have been completed by May 16, 2012. Based on media reports and records received pursuant to open records requests, it is our understanding that the Division of Elections has sent removal lists and the county supervisors of elections have been performing list maintenance activities based on such lists past May 16, and have, consequently, violated the NVRA.


Further, Section 8(b)(1) of the NVRA provides that any state program or activity to maintain an accurate and current voter registration roll shall be "uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965..." 42 U.S.C. 1973gg-6(b)(1).

Under Section 5 of the Voting Rights Act, Collier, Hardee, Hendry, Hillsborough, and Monroe Counties are required to seek preclearance by the Department of Justice or by filing a declaratory judgment action in the United States District Court for the District of Columbia. Please advise us immediately if the State or any of the covered counties has made an administrative submission to the AG. We will assume in the absence of a response that no such submission has been made or is contemplated.

We urge you to take immediate steps to comply with the NVRA, and would be pleased to work cooperatively with you to ensure that this is accomplished. However, if the Division of Elections and the county supervisors of elections fail to take steps to remedy violations of the NVRA, we are prepared to initiate litigation. In this regard, please be advised that this letter serves as notice of a violation of the NVRA pursuant to 42 U.S.C. § 1973gg-9(b), thus allowing us to file suit at the conclusion of the statutory 20-day waiting period if the violation has not been fully remedied.


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