Wheeler, Charlotte A.

From: Ard, Mark on behalf of Bradshaw, Sarah J.
Sent: Friday, December 21, 2007 4:55 PM
To: 'ALA - Pam'; Johnson, Althera; Ard, Mark; Crawford, Nitia; Leonard, Barbara M.; 'Barbara Osthoff'; Barrett, Amber N.; Anderson, Mark; Boynton, John; Vaughan, Terry L.; Galey, Fred D.; Milton, Brenda; 'BRO - Brenda Snipes'; Browning, Kurt S.; Laramore, Margie C.; Horton, Mac V.; 'CIT - Susan'; Kirkman, Barbara A.; 'CLL - Jennifer'; 'CLM - Elizabeth'; Solo, Lester; Drury, David R.; Roberts, Dawn K.; Negley, Mark; Cannon, Starlet; Still, Suzie; Holland, Jerry; 'Duval County - Robert Phillips'; 'ESC - David'; Border, Peggy R.; Gibbs, Doris S.; Knight, Shirley G.; Sanchez, Connie; Ginn, Lisa M.; Whiddon, Holly; Griffin, Linda; Dees, Laura; 'HAR - Jeffrey'; Hearn, Lynn C.; Strickland, Lucretia A.; 'HER - Annie '; Acevedo, Giselle; 'HIL - Buddy'; Morris, Debbie Wilcox; Holland, Gary J.; Clem, Kay; Ivey, Sterling E.; Stephens, Sylvia D.; 'JEF - Marty'; Durbin, Joyce A.; 'Karen Krauss'; Griffin, Keila F.; Kennedy, Jennifer L.; Bronson, Kristi R.; Morgan, Laina B.; Stegall, Emogene W.; Harrington, Sharon L.; 'LEO - Ion'; Asbell, Connie; Wood, Marcia; 'MAD - Jada'; Stief, Sharon; Matthews, Maria l.; Sawyer, Harry L.; Brown, Dee; Davis, Vicki; Cannon, Vicki P.; Hollan, Patricia M.; Chandler, Gwen; Cowles, Bill; 'OSC - Connie'; 'OSC - Donna'; 'PAL - Arthur'; Corley, Brian; Taff, Peggy; Clark, Deborah; 'PIN - Ron Moore'; Edwards, Lori; Hankemeyer, Kim; McCool, Susan C.; Raines, Terry; 'Ron Labasky'; Bodenstein, Ann W.; Dent, Kathy; Bradshaw, Sarah J.; Ertel, Michael; Halyburton, Penny; Walker, Gertrude; Elias, Sue E.; Krauss, Karen S.; Smith, Susan S.; Williams, Glenda B.; Lilliot, Molly H.; Osborne, Deborah; McFall, Ann; Crum, Sherida S.; Beasley, Bobby; Griffin, Carol F.; Williams, Inez; Woodward, Amy
Cc: FVRSVendors
Subject: Procedures to comply with NAACP Junction
Importance: High
Attachments: Memo regarding NAACP Injunction.pdf

 Supervisors:

Please see the attached memo regarding procedures to comply with the NAACP injunction. You will receive a separate e-mail regarding an FVRS maintenance window scheduled for the weekend of December 28, 2007. This maintenance window is necessary to implement the changes outlined in the attached memo.

Sarah Jane Bradshaw
Acting Director
Florida Division of Elections
850-245-6200

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided.

Please note: Florida has a very broad public records law. Written communications (including e-mail content and addresses) to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Please take a few minutes to provide feedback on the quality of service you received from our staff. The Florida Department of State values your feedback as a customer. Kurt Browning, Florida's Secretary of State, is committed to continuously assessing and improving the level and quality of services provided to you. Simply click on the link to the "DOS Customer Satisfaction Survey." Thank you in advance for your participation. DOS Customer Satisfaction Survey.

5/15/2008

EXHIBIT

13
DOS-2954
MEMORANDUM

TO: Supervisors of Elections

FROM: Sarah Jane Bradshaw
Acting Director, Division of Elections

CC: FVRS Vendors

DATE: December 21, 2007

SUBJECT: Procedures to comply with NAACP Injunction

On Tuesday, December 18, 2007, a federal court issued a preliminary injunction in the case of Florida NAACP v. Browning. The injunction prohibits the Secretary of State from enforcing Section 97.053(6), Florida Statutes. That means that persons submitting completed voter registration applications must be placed in the Florida Voter Registration System (FVRS) as active registered voters, whether or not their driver’s license number, Florida identification card number or the last four digits of the social security number has been verified.

In order to comply with the injunction, these instructions must be followed, effective at the open of business on Monday, December 31, 2007:

For new applications:
1. Applications entered into FVRS will still be sent through the Department of Highway Safety and Motor Vehicles (DHSMV) for verification of the driver’s license number, state identification card number or social security number provided on the application. Those application records for whom numbers could not be verified by DHSMV or the Bureau of Voter Registration Services will continue to be sent to the county.
2. When an unverified record is received by the county, the county must determine if the applicant is a first-time voter who registered by mail for whom identification is required prior to voting (our potential “MARG” voters):

1 Section 303(b) of HAVA requires that individuals who register to vote by mail and have not previously voted for federal office in the state must provide identification prior to voting the first time. Applications whose identifying information has been verified are exempt from this requirement, but those applications whose identifying information could not be verified (i.e., the applications at issue in these procedures), are not exempt.

Division of Elections
R. A. Gray Building, Room 316 • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6200 • Facsimile: (850) 245-6125
election.dos.state.fl.us

DOS-2955
• If the applicant is a MARG voter who does not qualify for any of the exemptions in Section 97.0535(4), Florida Statutes, make sure that the "Identification Required" flag is set. If not, set the flag. Once the identification required flag is set, use the override flag to make the applicant an active registered voter.² Send the registered voter a MARG voter letter and a voter information card.

• If the applicant is not a first-time voter who registered by mail, use the override flag to make the applicant an active registered voter. Send the registered voter a voter information card.

For existing applications:
The Department of State is making the necessary programming changes so that completed applications entered into FVRS beginning January 1, 2006 through the close of business on Friday, December 28, 2007 for whom the driver’s license number, state identification card number or social security card number still remain unverified, can be re-processed by the Department. The Department will send these applications to the counties as active registered voters after the close of business on Friday, December 28th and before the opening of business on Monday, December 31st.

For applicants that registered by mail and who are not 65 years of age or older, the “Identification Required” flag will be set by the Department of State. If the applicant is a MARG voter who does not qualify for any of the exemptions in Section 97.0535(4), Florida Statutes, send a MARG voter letter and a voter information card. For all others, just send the voter information card.

Your local voter registration system vendors will be providing additional details and instructions specific to your system to ensure that the system complies with the specifications and procedures set out in this memo.

If you have any specific questions regarding these procedures, please contact the Bureau of Voter Registration Services at (850) 245-6290.

SJB/ab

² The vendors are making the necessary programming changes to allow the "Identification Required" flag to remain active even after the override flag is activated.