



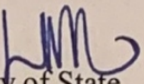
FLORIDA DEPARTMENT *of* STATE

Ron DeSantis
Governor

Laurel M. Lee
Secretary of State

MEMORANDUM

TO: Supervisors of Elections

FROM: Laurel M. Lee 
Florida Secretary of State

DATE: April 2, 2020

SUBJECT: Directive 2020-01— Early Voting Sites on College and University Campuses and Fla. Stat. 101.657(1)(a)

1. I issue this directive in my capacity as “chief election officer” with the responsibility to “[o]btain and maintain uniformity in the interpretation and implementation of election laws,” § 97.012(1), Fla. Stat., and “[p]rovide written direction and opinions to the supervisors of elections on the performance of their official duties.” *Id.* § 97.012(16).
2. Specifically, I issue this directive to clarify any misunderstandings concerning section 101.657(1)(a) of the Florida Statutes (“Section 101.657(1)(a)”) stemming from Division of Elections Advisory Opinion 14-01 (since rescinded), Division of Elections Directive 2018-01, Division of Elections Directive 2019-01, and from 2019 Fla. Sess. Law, Ch. 2019-162, §10 (amending Section 101.657(1)(a) to add that early voting sites “must provide sufficient nonpermitted parking to accommodate the anticipated amount of voters” (the “Nonpermitted Parking Language”)).
3. This Directive supersedes and replaces the above referenced directives, to the extent that they remain in effect in any part, or are viewed by any supervisors of elections as authoritative. It further provides written direction and opinions to the supervisors of elections on both the issue of early voting sites on college and university campuses and the recent addition of the Nonpermitted Parking Language in Section 101.657(1)(a).
4. Effective July 1, 2019, Section 101.657(1)(a) provides in pertinent part:

As a convenience to the voter, the supervisor of elections shall allow an elector to vote early in the main or branch office of the supervisor. The supervisor shall mark, code, indicate on, or otherwise track the voter’s precinct for each early voted ballot. In order for

a branch office to be used for early voting, it shall be a permanent facility of the supervisor and shall have been designated and used as such for at least 1 year prior to the election. The supervisor may also designate any city hall, permanent public library facility, fairground, civic center, courthouse, county commission building, stadium, convention center, government-owned senior center, or government-owned community center as early voting sites; however, if so designated, the sites must be geographically located so as to provide all voters in the county an equal opportunity to cast a ballot, insofar as is practicable, *and must provide sufficient nonpermitted parking to accommodate the anticipated amount of voters.*

(Emphasis added).

5. Section 101.657(1)(a) requires supervisors to locate early voting sites “so as to provide all voters in the county an *equal opportunity* to cast a ballot, insofar as is practicable.” Fla. Stat. § 101.657(1)(a) (emphasis added).
6. The Nonpermitted Parking Language emphasized in paragraph 4 above modifies the plural “sites,” stating specifically, that, in each county, early voting “sites must be geographically located so as to provide all voters in the county an equal opportunity to cast a ballot, insofar as is practicable, and must provide sufficient nonpermitted parking to accommodate the anticipated amount of voters.” Fla. Stat. § 101.657(1)(a) (emphasis added).
7. Section 101.657(1)(a) should be understood to require that the early voting sites collectively within a county provide sufficient nonpermitted parking to accommodate the anticipated amount of voters who require parking in order to access those sites. In other words, supervisors of elections must ensure that, in their county, there are sufficient early voting sites with adequate nonpermitted parking to accommodate those voters who are anticipated to access early voting by car.
8. This does not mean that every early voting site must have a certain number of nonpermitted parking sites available. Supervisors may determine the adequacy of nonpermitted parking based on the demographics, geography, foot traffic, or other features of the voting population or the communities in which the sites are placed provided that sufficient nonpermitted parking is available within the jurisdiction for voters who are anticipated to access early voting using a personal vehicle.
9. Finally, the Secretary clarifies that to the extent any supervisor of elections interpreted prior directives from the Division of Elections that related to Reitz Union as indicating that buildings such as student unions are not appropriate sites for early voting, those directives are withdrawn in their entirety. There is nothing in Florida law that prohibits the use of on-campus sites for early voting, provided that the requirements of Section 101.657(1)(a) are otherwise met.
10. In sum, Section 101.657(1)(a) should be read to permit supervisors of elections to place early voting sites on college and university campuses, consistent with the purpose of each county having a network or combination of early voting sites placed so as to provide all voters in the county an equal opportunity to cast a ballot. Further, the Nonpermitted

Parking Language emphasized in paragraph 4 above is a matter properly considered in light of the surrounding population of voters anticipated to use a particular early voting site and the availability of nonpermitted parking at other early voting sites in the county that may be used by voters who travel to the polls by car.