

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

FLORIDA DEMOCRATIC PARTY,

*Plaintiff,*

Case No. 4:16-cv-626

v.

GOVERNOR RICK RICK SCOTT and  
SECRETARY OF STATE KEN DETZNER,  
in their official capacities,

*Defendants.*

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**FLORIDA SECRETARY OF STATE'S MEMORANDUM IN OPPOSITION  
TO EMERGENCY MOTION TO ENFORCE  
PRELIMINARY INJUNCTION**

The Florida Secretary of State (the "Secretary"), by undersigned counsel, hereby opposes the Florida Democratic Party's ("FDP's") baseless emergency request that this Court take further steps to "enforce" its prior order. The Secretary and his dedicated professional staff have worked diligently to fulfill the intent of this Court's order, and those eligible Floridians with fully completed and verified voter registration applications will become active voters in time to participate in any of the three methods available for this general election (statewide early voting, vote-by-mail, and election day voting). The FDP's motion should be rejected out of hand.

## INTRODUCTION

As shown below, the Secretary has complied with the terms of the Court's injunction and has done nothing to interfere with the operation of the injunction. To the contrary, the employees of the Division of Elections ("Division") are working 12-hour shifts and on weekends to ensure that everyone who has registered to vote by this Court's extended deadline has the verification process mandated by Fla. Stat. § 97.053 completed as soon as possible, and certainly by the time mandatory statewide early voting begins on October 29, 2016. The Division plans for its employees to continue their ongoing work until the process is completed. FDP's suggestion, therefore, that the Secretary and his Department are "slow walking" the verification process (*see* DE 33 at 9) is baseless and supported by no identified evidence. Notably, FDP made no attempt, before filing its motion, to ask the Secretary the status of his Department's work or anticipated completion timetable. The motion should be rejected.

At bottom, the relief sought by FDP (1) is not necessary to enable registered voters to exercise their right to vote; (2) is not realistic, given that it does not account for those applications still in the mail and those still with the Supervisors after the arbitrary deadline proposed by FDP; and (3) if granted, actually would threaten chaos, non-uniform results, and unnecessary future legal challenges. Accordingly, FDP's motion should be denied.

It is important to understand that even if the verification process for all eligible voter registration applications is not completed before *optional* early voting *begins* on October 24, 2016, ***not a single eligible, verified registrant will be unable to vote as a result of the Secretary's ongoing verification process.*** Indeed, the Secretary reasonably anticipates that, as a result of the Court's extension of the voter registration deadline until October 18, 2016, the verification process for eligible voters with completed and verified applications will be completed before October 29, 2016, prior to when mandatory early voting begins throughout all of Florida's 67 counties. *See* Declaration of Maria Matthews ¶¶ 5, 16 (Exhibit A). This will leave plenty of time for the newly eligible registered voters to exercise their right to vote, during the mandatory statewide early voting period, through vote-by-mail, or on November 8, Election Day. In other words, no eligible Floridian with a completed and verified voter registration application that was submitted by the Court's extended deadline will be disenfranchised.

### **FACTUAL BACKGROUND**

#### **I. The Statutory Requirements for Verification of Voter Registration Applications.**

Under Fla. Stat. § 97.053(5)(a), a completed voter registration application must contain, among other things, the applicant's name, legal address, date of birth, and a personal identifying number ("PIN"). The PIN consists of one of the following options: (a) a Florida driver license number, (b) Florida identification

number, or (c) the last four digits of the Social Security Number. *See also* Fla. Admin. Code Ann. r. 1S-2.039(2)(d) (2012) (listing PIN documents).

A voter registration application may be accepted as valid “only after” the Department of State, Division of Elections, has “verified the authenticity or nonexistence of the driver license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant.” Fla. Stat. § 97.053(6). If a completed voter registration application has been received by the book-closing deadline, but the driver license number, the Florida identification card number, or the last four digits of the Social Security Number provided by the applicant cannot be verified, the county Supervisor of Elections is obligated by statute to notify the applicant that the number cannot be verified and that the applicant must provide evidence to the Supervisor sufficient to verify the authenticity of the number. *Id.*; Fla. Admin. Code Ann. r. 1S-2.039(5)(a)3 (2012). If the applicant provides the necessary evidence, the Supervisor “shall place the applicant’s name on the registration rolls as an active voter.” Fla. Stat. § 97.053(6).

The goal of the Division’s verification process is to complete it within twenty-four to forty-eight hours of receipt. *See Fla. State Conference of N.A.A.C.P. v. Browning (“NAACP”)*, 569 F. Supp. 2d 1237, 1244-45 (N.D. Fla. 2008) (noting a substantially high percentage of new applicants clear the process without any further action requested). Once the local Supervisor receives the PIN

evidence from the Division of Elections, the applicant is listed as an active voter. By this verification process, the State can enhance the accuracy of Florida's voter registration rolls, protect against duplicate registrations and voter fraud, and ensure that legitimate votes are not diluted. *See Fla. Admin. Code. 1S-2.039 (2012); NAACP*, 569 F. Supp. 2d at 1251-52.

## **II. The Division of Elections' Verification Process.**

Judge Mickle described in detail the process for collecting and processing voter registrations in Florida in *NAACP*, 569 F. Supp. 2d at 1242-1245. As the attached declaration of Maria Matthews, Director, Division of Elections, Florida Department of State, demonstrates, the process remains substantially the same.

The Division of Elections receives voter registration applications from multiple sources. Matthews Decl. ¶ 8. Applicants are able to submit voter registration information through a variety of means—in person or by mail to any county Supervisor of Elections' office, through electronic intake at any office that issues driver licenses (DHSMV examiners and tax collector's offices), and in person or by mail to any voter registration agency including an armed forces recruitment office, public library and the Division of Elections. As stated before, only authorized voter registration officials may input voter registration information into FVRS. Matthews Decl. ¶ 8. The Division is responsible for verifying the authenticity or non-existence of the driver license number, the Florida

identification card number, or the last four digits of the social security number provided by the applicant (referred to as the “PIN”) that is submitted to any voter registration agency and entered into the Florida Voter Registration System (“FVRS”).<sup>1</sup> *Id.* ¶ 4.

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The Division staff first prepares those applications so that it can input the data into FVRS. This requires opening envelopes, date stamping the postmark date on the envelope if available, and date of receipt, clipping the signature image to attach to the electronic record, and scanning images of the application. *Id.* ¶ 9.

The Division then submits batches of application data uploaded to FVRS to an automated verification system. That system compares the uploaded information and PIN against information contained in various databases such as the DHSMV/DAVID (Driver and Vehicle Information Database) Records, the Social Security Administration, and the Bureau of Vital Statistics of the Florida Department of Health/Bureau of Vital Certificates. *Id.* ¶ 10.

Typically, it takes 24 to 48 hours for the Division to receive the results of each batch verification. *Id.* ¶ 11. If the database comparison results in a verification of a given applicant’s PIN, the system immediately notifies the local

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<sup>1</sup> The FVRS is used by voter registration agencies including the offices of the 67 Florida County Supervisors of Elections, the Department of Highway Safety and Motor Vehicles (“DHSMV”), and the Division of Elections. It is a single statewide database that the Division administers to provide a statewide approach to the voter registration process. *See* Matthews Decl. ¶ 3.

Supervisor about all applications that have been verified as exact identification matches. These notifications trigger the applicants to become active registered voters without further manual review and issue locally voter information cards.

*Id.*

If this database comparison, however, does not result in a verification of the applicant's PIN, the Division's staff must individually review each application and attempt to match the information to the databases. To resolve issues involving the PIN provided by the applicant, staff typically compares the application data typed into the system to the scanned application completed by the applicant to attempt to discern whether there are any data input errors by the person who uploaded the data to FVRS. They then correct any obvious input errors they are able to identify and re-submit corrected applications to the verification process. *Id.* ¶¶ 12-14.

If the resubmitted application PIN still fails to match the databases, the Division electronically notifies the local Supervisor's office that the application has been marked as "suspended" in FVRS so that the Supervisor's office can provide the notice it is required to provide to the applicant pursuant to Rule 1S-2.039, Florida Administrative Code. *Id.* ¶ 15.

It is important to understand that, due to privacy and security restrictions of the databases being accessed, not all staff are authorized to do this work. Staff members accessing the databases (including law enforcement databases) must have

Fla. Stat. § 435.04 Level 2 Security Clearance and training on the use of these databases. Matthews Decl. ¶ 12.

Nonetheless, even before this lawsuit was filed, the Division anticipated and planned for a surge of last minute voter registration activity. It accordingly authorized substantial overtime for the staff to ensure that its work could be completed before any early voting was to begin on October 24, 2016. *Id.* ¶ 6. After the Court extended the registration deadline, the Division authorized expanded mandatory overtime so that Division staff is working 12-hour days through the week and 24 hours of aggregated mandatory overtime per person on Saturday and Sunday, to work towards meeting the anticipated demand. *Id.* ¶ 7. The Division has devoted more than 65 staff members to assist in this process up until election day. *Id.* ¶ 9. Of this number, 19 staff members are trained and approved to handle sensitive voter data. *Id.*

The Division fully expects to complete its part in the verification process in sufficient time for all registered voters to participate in early voting. Director Matthews has testified that she fully expects and believes that the Division will have its tasks completed and will have provided the results to all County Supervisors by October 28, 2016. October 29, 2016 is the date by which mandatory statewide early voting begins (although it can begin as early as October 24, 2016, for those counties opting to do so). *Id.* ¶¶ 5, 17 (first). Moreover, the



Division plans to publish on its website daily updates until election day on November 8 regarding the number of new verified, active voters as of October 11, 2016, and the number of voter registration applications still in the verification process. As of last night (October 18), there were 26,773 applications in the verification process. And from October 11 through October 18, 2016, 36,823 voter registration applications were verified and are now active in the FVRS database

### ARGUMENT

#### **I. The Secretary Has Fully Complied With The Terms of the Injunction.**

FDP seeks to “enforce” the Court’s preliminary injunction and demands an “emergency order compelling” the Secretary to “come into compliance” with that order. DE 33 at 2. Whether a party has complied with an injunction is determined by the terms of the injunction order itself. No conduct or action will be prohibited “by implication.” 11A Wright, Miller et al. *Federal Practice & Procedure* § 2955 (3d ed. 2016); see also *Mission Critical Solutions v. United States*, 104 Fed. Cl. 18, 28 (Fed. Cl. 2012) (finding plaintiff failed to meet its burden in motion to enforce injunction where injunction applied only to “contract at issue” and enforcement action related to a new contract).

*Ford v. Kammerer*, 450 F.2d 279 (3d Cir. 1971) (per curiam), illustrates this commonsense proposition. In that case, the district court had entered an injunction in connection with a labor union’s method of imposing discipline. *Id.* at 280. The

court had then entered a contempt order on the ground that the defendant had engaged in “summary punishment.” Although the district court in its injunction had expressed the view that such conduct constituted a statutory violation, the actual prohibitions set forth in the injunction did not address such conduct. The Third Circuit reversed. As the court explained, an injunction need be obeyed only to the extent it reasonably specifies the conduct prohibited; prohibitions will not be “implied” from such orders. As the injunction at issue did not prohibit summary punishment, the court held, “[i]t follows that the language of the injunction did not prohibit the conduct which formed the basis for the contempt order.” *Id.*

Here, the Court directed the Secretary to “copy the supervisors of elections with this order and to direct the supervisors of elections to extend the deadline for counties to submit or amend their early voting plans to Monday, October 17, 2016 at 5:00 p.m., and to extend the new voter registration deadline to Tuesday, October 18, 2016, at 5:00 p.m., accepting registrations up to that date and time.” DE 29. The Secretary has completed these tasks, and FDP does not suggest otherwise. Accordingly, the Secretary is in compliance with the Court’s order.

What FDP actually seeks by the vehicle of an order to “enforce” the injunction is wholly different relief, albeit without attempting to satisfy the requirements for preliminary injunctive relief. FDP seeks an invasive order that would:

- require the Secretary to transmit to FDP a “complete and fully updated list of registered voters in Florida as soon as possible but no later than 5:00 PM Eastern time on October 21, 2016.” DE 32 at 2.
- require the Secretary to “complete the process of verifying voter registration applications ... no later than 5:00 PM Eastern time on October 23, 2016.” *Id.*
- require the Secretary to transmit to FDP no later than 5:00 PM Eastern time on October 24, 2016 and weekly thereafter (i) a complete and fully updated list of registered voters in Florida, (ii) a complete and fully updated list of new voter registration applications which could not be verified, and (iii) a complete and fully updated list of new voter registration applications which the State has received but not yet attempted to verify. *Id.*
- clarify that voters who remain “unverified” after early voting begins be allowed to present appropriate identification at the polling place and vote a regular ballot. DE 32 at 3.

As discussed below, FDP’s requested relief is unnecessary and overreaching, and in addition, the requested “clarification,” sought in the guise of an “enforcement” action, is contrary to Judge Mickle’s ruling in *NAACP*, which upheld the verification provisions of the Florida Election Code.

**II. The Motion Should Be Denied Because The Relief Sought By FDP Is Unnecessary.**

In its order setting a deadline for this response, the Court asked the Secretary to address “how long it will take for the newly registered voters to have active-voter status in the Florida Registration System.” DE 36 at 1-2. As noted in Director Matthews’ declaration, the Division of Elections fully expects to complete its part in the verification process before October 29, 2016, in time for any eligible

voter who registered on or before October 18, 2016, to have active voter status in time to participate in mandatory statewide early voting. Matthews Decl. ¶¶ 5, 17 (first).

For any individual applicant, the answer to the Court's question will depend on when his or her registration application is received by the local Supervisor of Elections. Under the Court's preliminary injunction, registration applications may be submitted in person or postmarked as late as October 18, 2016, so applications will continue to be received by the local Supervisors after October 18 by mail. The Secretary does not know how many voter registration applications will be submitted or mailed at the deadline. Nonetheless, the Division of Elections is working diligently and has authorized additional staff and mandatory overtime to handle what has been received to date and will continue to be received. Matthews Decl. ¶¶ 6, 7, 17 (second). Once an application is received by the Division, it typically takes 24 to 48 hours for the Division to receive the results of each batch verification that is submitted to this process.<sup>2</sup> Matthews Decl. ¶ 11.

The Court also inquired whether newly registered voters will be able to vote in the 2016 General Election at all. DE 36 at 2. The answer is "yes." As noted, the Division fully expects to complete its part in this process to allow all eligible

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<sup>2</sup> The Secretary cannot say when *unverified* registration applications will be verified. Those applications are returned to the local Supervisors' offices for notification to the voter that additional information is required. See Matthews Decl. ¶¶ 15-16.

voters with a fully completed and verified application submitted by the October 18, 2016, deadline to vote through early voting, through vote-by-mail, or in person on Election Day, November 8, 2016. The Secretary fully expects and believes that his office will have all its work done by the start of mandatory statewide early voting on October 29, 2016, and is working diligently to finish prior to the optional start of early voting several days earlier. *See* Matthews Decl. ¶¶ 6, 7, 17 (second). Accordingly, all eligible registered voters whose applications are verified will have full access to voting in the General Election.

In other words, no eligible Florida voter who submitted a completed and verified application by the Court's extended deadline will be disenfranchised by any delay in completing the registration verification process. The emergency relief sought by FDP is extraordinarily unnecessary and inappropriate.

**III. The Relief Sought By FDP Risks Chaos, Non-Uniform Results, and Potential Unnecessary Legal Challenges.**

FDP also requests that the Court “clarify” that voters who remain “unverified” after early voting begins be allowed to present appropriate identification at the polling place and vote a regular ballot. DE 32 at 3. This proposed “clarification” threatens to shift the burden of presenting identification to the precinct level to the volunteer workers, who are not statutorily authorized, or trained to make such determinations, or have access to the appropriate databases,

rather than the Supervisor and his or her staff. Such relief threatens chaos, non-uniform results, and potential challenges down the road.

There is no basis for the Court to grant such extraordinary relief, which would require the Court to strike as unconstitutional part of Fla. Stat. § 97.053(6), which requires the applicant to “provide evidence to the *supervisor* sufficient to verify the authenticity of the applicant’s driver license number, Florida identification card number, or last four digits of the social security number.”<sup>3</sup> To be clear, Fla. Stat. § 97.053(6) requires provisional ballots to be counted if the “applicant presents evidence” no later than 5 p.m. of the second day following the election.

Granting this relief also would require the Court to countermand the ruling in *NAACP*, which upheld the verification process prescribed by the statute and noted that there is no evidence that any applicant is “without access to some form of transportation to the local Supervisor’s office or is unable to make a copy of a card and send the copy to the Supervisor.” 569 F. Supp. 2d at 1246. As Judge Mickle explained it, the requirement that a voter present his or her identification to the Supervisor (as opposed to a precinct worker) to avoid having to cast a provisional ballot certainly does not present an “extraordinary burden to any

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<sup>3</sup> It is important to note that Plaintiff does not, by its motion, challenge the constitutionality of Fla. Stat. § 97.053(6), but seeks only to enforce the existing injunction extending the deadline.

applicant.” *Id.* at 1246, 1250, 1253. Indeed, the burden “[t]o drive to the Supervisor’s office is no more onerous than to drive to a polling place on election day.” *Id.* at 1253. Similarly, “to make a copy of a card which the applicant already possesses and send it to the Supervisor is no more onerous than to obtain, complete, and submit an application.” *Id.* These burdens are so slight, Judge Mickle observed, that they do not even constitute “constitutionally cognizable impediments to the right to vote.” *Id.* at 1253.

In sum, the Constitution “does not bar a state from guarding the integrity of its elections by asking a small percentage of applicants to make one trip to a local office or mail a copy of a card in the applicant’s possession.” *Id.* at 1254. “No federal court has espoused a position so restrictive and crippling to the orderly administration of elections.” *Id.*

### **CONCLUSION**

For the foregoing reasons, FDP’s motion to “enforce” the preliminary injunction order should be denied.

Respectfully submitted,

/s/ Robert W. Pass

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*Counsel for Defendant Secretary of State*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on October 19, 2016, I filed a true and correct copy of the foregoing with the Clerk of the Court through the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

*/s/ Robert W. Pass*  
\_\_\_\_\_  
Attorney

**CERTIFICATE OF COMPLIANCE**

I HEREBY CERTIFY that the foregoing memorandum complies with the type-volume requirements of N.D. Fla. Loc. R. 7.1(F) because it contains 3,665 words and was prepared using Microsoft Word with Times New Roman 14-point font.

*/s/ Robert W. Pass*  
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Attorney



# **EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

FLORIDA DEMOCRATIC PARTY,

Plaintiff,

v.

GOVERNOR RICK SCOTT and  
SECRETARY OF STATE KEN  
DETZNER, in their official capacities,

Defendants.

Case No. 4:16cv626-MW/CAS

**Declaration of Maria Matthews Pursuant to 28 U.S.C. §1746**

1. I am Maria Matthews. I have personal knowledge of the facts stated herein, am over 21 years old and, if sworn as a witness, will testify to these facts.

2. I am employed as Director, Division of Elections, Florida Department of State (the "Department"), and have held that position for 3 years and 10 months. Prior to my appointment as Director, I served as Chief of the Division of Election's Bureau of Voter Registration Services, and prior to that as an Assistant General Counsel for the Division. I joined the Department in 2002, was admitted to practice law in the State of Florida in 1992, and remain a member in good standing of the Florida Bar.

3. As Director, I oversee the maintenance and operation of the Florida Voter Registration System ("FVRS"). FVRS is a single statewide interactive

centralized database that contains the list of officially registered voters in Florida for purposes of elections. Voter registration information is inputted into FVRS by (a) the offices of the 67 Florida County Supervisors of Elections, and (b) staff for the Division's Bureau of Voter Registration Services. The Division provides procedures and technical support to FVRS to administer and ensure a statewide approach to the voter registration process.

4. My office has two primary roles in the voter registration process. First, as do supervisors of elections' offices, we receive voter registration applications from applicants directly and through the mail, and we enter the information contained on those applications into the FVRS. Second, as of 2006, we, with the assistance of the Florida Department of Highway Safety and Motor Vehicles ("DHSMV"), are mandated to verify the authenticity or nonexistence of a personal identifying number (referred to as the "PIN") provided by all new registration applicants. The PIN provided must either be the new applicant's Florida driver license number, Florida identification card number, or last four digits of the social security number.

5. Based on my experience and knowledge about the voter registration process, it is my belief and objective that we will fulfill our primary duties as set forth in paragraph 4, before October 29, 2016, in advance of the statutory 13-day allowance for entering applications into FVRS. October 29, 2016, is the start date

for the mandated 8-day statewide early voting period. November 8, 2016, is the date of the General Election. I have provided additional detail below to explain how I arrived at this belief.

6. I have read the plaintiff's allegations and assertions regarding the Department's procedures and processes. Prior to this suit, as is our established practice in preparation for the orderly election administration of upcoming elections, we anticipated and planned for a surge of last minute voter registration activity in conjunction with current statutory deadlines and requirements. This is consistent with past election cycle experiences. As part of our preparation, our office authorized substantial overtime for our staff to ensure our work could be completed before any optional early voting began in any Florida County on October 24, 2016. Fifty Florida Counties begin optional early voting on that date. The remaining Counties start early voting shortly after that date, as the first day of mandatory statewide early voting is October 29, 2016.

7. After this Court extended the registration deadline by an additional week to October 18, 2016, we intensified our efforts and authorized expanded mandatory overtime to meet the compressed timeframe between the court's extended voter registration deadline and the start of early voting. Our staff's working hours are now 12 hours per day, Monday through Friday, and 24 hours of total mandatory overtime on Saturday and Sunday.

8. Applicants are able to submit voter registration information through a variety of means –in person or by mail to any county Supervisor of Elections’ office, through electronic intake at the any office that issues driver licenses (DHSMV examiners and tax collector’s offices), and in person or by mail to any voter registration agency including armed forces recruitment office, public library and the Division of Elections. As stated before, only authorized voter registration officials may input voter registration information into FVRS.

9. For original applications received directly by our office, our staff prepares those applications to be able to input the data into FVRS. That means opening envelopes, checking post marks on envelopes, date stamping the postmark date, if available, and date receipt, batching, clipping the signature image to attach to the electronic record and scanning images of the application. Our office has now devoted more than 65 Department of State staff members to assist in this process up. Of this number, 19 staff members are trained and approved to handle sensitive voter data.

10. We submit nightly batches of uploaded new application data from FVRS to DHSMV to conduct an automated verification of the PIN provided on new applications. The program compares through an automated data matching process the uploaded PIN, name and date of birth against information contained in various databases, including:

(a) DHSMV/DAVID (Driver and Vehicle Information Database)

Records;

(b) Social Security Administration Database.

11. Typically, it takes 24 to 48 hours for our office to receive the return results of each nightly batch verification that is submitted to this process. The system immediately notifies the applicable Supervisors about all applications that have been verified as exact identification matches. These notifications trigger the applicants to become active registered voters without further manual review and issue locally voter information cards.

12. For all other records that are not exact matches, specially authorized staff must then personally review the available records to determine if the PIN can be verified manually. Due to database privacy and security requirements, not all staff are authorized to do this work. Staff members accessing the databases must have Level 2 (referencing Section 435.04 of the Florida Statutes) security clearance and training on the use of the databases.

13. To resolve issues involving the PIN provided by the applicant, staff typically first examine the registration records and compare back manually to the DHSMV database, and if they are able to verify the personal identifying number, name, and date of birth, staff is able to “override” the record, and the system immediately notifies the applicable Supervisors about all the applications that have

been verified in this manner. Without further manual review, the notification triggers a workflow transaction to issue voter information cards at the county level.

14. If they are unable to manually verify, staff:

(a) compare the application data typed into the system to the scanned application completed by the applicant to attempt to discern whether there are any data input errors by whomever uploaded the data to FVRS; and

(b) correct any obvious input errors that they are able to readily identify.

The only subjective judgment exercised at this stage is in comparing the input application data to the handwritten or pre-printed application to see if obvious data input errors have occurred. If an update or correction is made, data is resubmitted to the verification process. If the re-submitted application data comes back as having been verified as a positive identification match, the system immediately notifies the applicable Supervisors about all applications that have been verified as exact identification matches. Without further manual review, these notifications trigger the applicants to become active registered voters and issue locally voter information cards.

15. If the re-submitted application data still fails to match using the automated match criteria against these databases, an electronic notification in the system 'suspends' the record in FVRS to the Supervisors' office. Specific comments

are included with the notification to inform the Supervisors' office as to the attempts to verify the personal identifying number. The Supervisors are then required to notify in writing the new applicants pursuant to Rule 1S-2.039, Florida Administrative Code, which (among other things) that they have the opportunity to provide prior to voting appropriate evidence to verify identification to the Supervisors so that the applicant may become a registered voter who can vote a regular ballot in the same election cycle.

16. Only Supervisors of Elections are authorized to make the final determination as to the disposition of an applicant's application based on the available information including information received from the Division. Only Supervisors of Elections can add and remove voters from the rolls.

17. Based on our current preparations and staffing efforts, our office fully expects to process by October 29, 2016:

(a) All applications delivered in person to our office by the court-ordered registration deadline of October 18, 2016,

(b) All applications received by our office before October 29 with a postmark date of October 18, 2016; and

(c) All applications received within 5 days after the court-ordered registration deadline of October 18, 2016, by our office from the mail without a postmark date or illegible post-mark date; and



(d) All verification match records received prior to October 29, 2016, from DHSMV that require further manual review.

This will ensure that these eligible registered and voters will be able to participate through early voting, to obtain vote-by-mail ballots, or to vote in person on Election Day, November 8, 2016.

17. We are working as quickly as possible to handle what has been received to date to ensure that those who are eligible to register and vote have the opportunity to do so.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 19, 2016.



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Maria Matthews