



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

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Secretary of State

November 7, 2022

VIA EMAIL ONLY: John.Russ@usdoj.gov

Mr. John "Bert" Russ
Deputy Chief & Elections Coordinator
Voting Section
Civil Rights Division

Re: U.S. Department of Justice ("DOJ") Election Monitoring Program in
Florida

Dear Mr. Russ,

Earlier today, the Florida Department of State received copies of your letters to Miami-Dade and Broward Counties in which you seem to indicate that the Department of Justice will send monitors *inside* polling places in these counties. We also understand you sent a similar letter to Palm Beach County.

But Department of Justice monitors are not permitted inside a polling place under Florida law. Section 102.031(3)(a) of the Florida Statutes lists the people who "may enter any polling room or polling place." Department of Justice personnel are not included on the list. Even if they could qualify as "law enforcement" under section 102.031(3)(a)6. of the Florida Statutes, absent some evidence concerning the need for federal intrusion, or some federal statute that preempts Florida law, the presence of federal law enforcement inside polling places would be counterproductive and could potentially undermine confidence in the election.

Indeed, your letters do not detail the need for federal monitors in these counties. None of the counties are currently subject to any election-related federal consent

decrees. None of the counties have been accused of violating the rights of language or racial minorities or of the elderly or disabled.

Your letters simply provide a non-exhaustive list of federal elections statutes as the basis for this action without pointing to any specific statutory authorization. When asked for specific authorization during our phone call this evening, you did not provide any. Accordingly, the Florida Department of State invokes its authority under section 101.58(2) of the Florida Statutes to send its own monitors to the three targeted jurisdictions. These monitors will ensure that there is no interference with the voting process.

You have my cell phone number. Please let me know how best to coordinate with your team as Florida works towards another smooth election day.

Sincerely,

Brad McVay

Brad McVay
General Counsel
Florida Department of State

cc: Hon. Christina White (and her counsel) via email
Hon. Joe Scott (and his counsel) via email
Hon. Wendy Link (and her counsel) via email