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## **FEDERAL JUDGE PROTECTS THE RIGHT TO VOTE IN FLORIDA**

### **Court Blocks Law Creating New Obstacles to Voter Registration** *Decision Likely to Impact Restrictions in Ohio, Georgia, New Mexico and Colorado*

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**MIAMI, FL** – A federal court in Miami blocked enforcement of a Florida state law enacted earlier this year that would have imposed crippling fines on voter registration groups. The plaintiffs, civic organizations and voting rights groups that have been working in Florida through many election cycles without government interference, say that the law had shut down their efforts to help eligible voters get on the rolls.

“This is a win for democracy and will send a signal to officials in Florida and other states that you cannot erect unreasonable barriers to voter registration,” stated Wendy Weiser, deputy director of the Democracy Program at the Brennan Center for Justice at NYU School of Law and co-counsel to the plaintiffs. “This decision could help head off comparable voter-suppression statutes in other states, such as Ohio, Georgia, New Mexico and Colorado,” continued Weiser.

At issue in the case, [\*League of Women Voters v. Cobb\* \(case no. 06-21265\)](#), was a punishing and tiered regime of deadlines and fines for groups engaged in non-partisan voter registration in the State of Florida. Under the law, (Fla. Laws 2005-277, Secs. 2 and 7), which went into effect on January 1, the government would have imposed a mandatory fine of \$250 for each and every voter registration form submitted more than ten days after the form was collected from a prospective voter, \$500 for each registration form submitted after the passing of a registration deadline, and \$5000 for each registration form not submitted, for any reason.

Most chilling to plaintiffs’ activities was the law’s adoption of a “strict liability” legal standard, meaning that no extenuating circumstance -- not even destruction of an office by a hurricane – would have excused the failure to submit a registration form within the law’s deadlines.

Plaintiffs told the court that the multiple fines would devastate the budgets of many non-partisan voter registration groups. For example, the entire annual budget for the Florida League of Women Voters is \$70,000, or the equivalent of just 14 lost registration forms. At the same time, virtually everyone associated with an organization -- from a volunteer canvasser to the organization’s Board chair -- can be held personally responsible for paying the fines.

“This is a win for Florida voters and a reaffirmation of the critical role civic groups play in helping tens of thousands of unregistered citizens come into the process and become voters every year,” said Dianne Wheatley-Giliotti, president of the League of Women Voters of Florida. The Florida League, a plaintiff in the suit, is a nonpartisan, largely volunteer organization that has been helping to register Florida voters since 1939. By a unanimous vote of its Board, the Florida League for the first time has suspended all voter registration operations with its 27 local Leagues across Florida.

“Florida attempted to radically raise the cost of doing business for voter registration groups,” said Craig Siegel of Kramer Levin Naftalis & Frankel LLP, pro bono co-counsel for plaintiffs. “In effect, the law would

have imposed a tax on democracy and a tax on democratic participation that makes voter registration work prohibitively expensive for many of the state's leading civic organizations," said Siegel.

"More than 50 million Americans are not registered to vote," said Gary Rosen, pro bono co-counsel and a shareholder at Ft. Lauderdale law firm Becker & Poliakoff. "This ruling sends a message to legislators in Florida and other states that they should applaud civic groups like the League of Women Voters – not penalize them – for tirelessly working to strengthen our democracy," said Rosen.

The suit also challenged the law's unequal treatment of political parties and non-partisan groups. The law would have exempted political parties from the fines to be assessed against non-partisan organizations. Plaintiffs argued that there is no evidence whatsoever in the legislative record to suggest that late or lost voter registration forms have been more prevalent among Florida's non-partisan groups than among Florida's political parties – in fact, they said, there is no evidence in the record of any serious problem of late or lost voter registration forms at all.

In addition to the Florida League of Women Voters, PACT, the Florida AFL-CIO, and the SEIU Florida Healthcare Union had completely suspended Florida voter registration efforts in the face of the new law. The American Federation of State, County and Municipal Employees, Council 79 (AFSCME) has substantially scaled back its voter registration activity.

"This law would have quickly erased from the state some of the most basic sights of American democracy: the non-partisan voter registration table at the mall or bus stop; the unaffiliated registration advocate at a school or workplace; and the encouragement to participate in elections often found in churches and synagogues," said Elizabeth S. Westfall of the Advancement Project, co-counsel for the plaintiffs.

Plaintiffs joining the suit include: League of Women Voters of Florida; People Acting for Community Together (PACT), a coalition of community organizations, churches, synagogues and schools based in Miami-Dade County; American Federation of State, County and Municipal Employees, Council 79 (AFSCME); Service Employees International Union, Florida Healthcare Union (SEIU-FHU); Marilyn Wills, president of the Tallahassee League of Women Voters; and unnamed individuals who are eligible to and want to vote this year but will be denied that right by the challenged law.

Plaintiffs are represented by the Brennan Center for Justice at NYU School of Law and the Advancement Project, and by pro bono counsel Kramer Levin Naftalis & Frankel LLP, and Becker & Poliakoff, P.A.

A full copy of Judge Patricia A. Seitz's decision can be found at:

<http://brennancenter.org/programs/downloads/FL%20Voter%20Registration%202008-28-06%20Opinion.pdf>

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