

LEAGUE OF WOMEN VOTERS, OTHERS FILE SUIT TO STOP FLORIDA LAW'S 'CHILLING' EFFECT ON VOTER REGISTRATION

*Non-Partisan Groups Suspend Voter Registration Drives,
Claim Onerous & Unconstitutional Fines Represent a 'Tax on Democracy'*

MIAMI, FL – May 18, 2006 -- A new Florida law that imposes crippling fines on voter registration groups was challenged in a lawsuit filed in federal court here today. 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 has shut down or dramatically curtailed their efforts to help eligible voters get on the rolls.

In filing the lawsuit on behalf of the League of Women Voters of Florida, Miami-based People Acting for Community Together (PACT) and other public interest and labor groups, attorneys at the Brennan Center for Justice at NYU School of Law and the Advancement Project, voting rights advocates representing the plaintiffs along with *pro bono* counsel, have asked the U.S. District Court in Miami to immediately suspend the fines imposed under the challenged law (Fla. Laws 2005-277, Secs. 2 and 7), which went into effect on January 1.

“I’m not sure what our representatives in Tallahassee were thinking when they voted for this law,” 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.

“In Iraq, the U.S. Army spent six weeks helping citizens register to vote. We’re not seeking special assistance – only asking that the government get out of our way, and let the League and other civic organizations continue to help each voter exercise the most basic civil right,” Wheatley-Giliotti said. “We’ve been dedicated to this work for 67 years, and we don’t want to stop now.”

The challenged law creates a punishing and complicated tiered regime of deadlines and fines. For each and every voter registration form submitted more than ten days after the form was collected from a prospective voter, the government will impose a fine of \$250, while for each registration form submitted after the passing of a registration deadline, the fine is \$500.

If a registration form is not submitted, for any reason, the fine per form jumps to \$5,000. Most chilling to plaintiffs’ activities is the law’s adoption of a “strict liability” legal standard, meaning that no extenuating circumstance -- not even destruction of an office by a hurricane -- will excuse the failure to submit a registration form.

Plaintiffs say the impact of 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 \$80,000, or the equivalent of just 16 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.

"There's no mistaking the impact of these fines," said Wendy Weiser, co-counsel for the plaintiffs and deputy director of the Democracy Program at the Brennan Center for Justice at NYU School of Law. "Anyone who is a leader of an organization has good reason to be scared of the consequences of authorizing a voter registration drive in Florida today."

"What the State has done is radically raise the cost of doing business for voter registration groups," said Mrs. Wheatley-Giliotti of the Florida League. "In effect, this is 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."

"The specific targeting of non-partisan voter registration groups with these onerous fines gives another 'black eye' to Florida, a state already plagued in recent years with a less-than-pristine track record on voter registration and election issues," said Gary Rosen, *pro bono* co-counsel and a shareholder at Ft. Lauderdale law firm Becker & Poliakoff.

The complaint explains that another constitutional failing of the challenged law is its unequal treatment of political parties and non-partisan groups. The law exempts political parties from the fines to be assessed against non-partisan organizations. Plaintiffs claim 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 say, there is no evidence in the record of any serious problem of late or lost voter registration forms.

"These fines will quickly erase 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.

Joining the Florida League of Women Voters in completely suspending Florida voter registration efforts in the face of the new law are PACT and the AFL-CIO, while the American Federation of State, County and Municipal Employees, Council 79 (AFSCME) has substantially scaled back its voter registration activity.

Should plaintiffs succeed in their lawsuit and the federal court agree that the First Amendment protects voter registration activities from the fines and other burdens Florida has established, the legal outcome will help to head off comparable voter-suppression statutes in other states, such as Ohio, New Mexico, and Colorado.

“More that 50 million Americans are not registered to vote,” said Craig L. Siegel of Kramer Levin Naftalis & Frankel LLP, *pro bono* co-counsel for plaintiffs. “Florida and other states should applaud civic groups like the League of Women Voters – not penalize them – for tirelessly working to strengthen our democracy.”

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 (SEIU); 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 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.

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