

# League of Women Voters, et al. File Suit to Stop Florida's Chilling Voter Registration Law

## Press Releases

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### *Onerous Fines Force Nonpartisan Groups to Suspend Voter Registration Drives in Florida— Again*

MIAMI, FL—Today the League of Women Voters of Florida and several voting rights advocates filed a new lawsuit challenging a Florida voter registration law that imposes prohibitive fines on voter registration groups and risks preventing eligible Florida citizens from registering and voting in the 2008 elections.

The revised Florida law, which closely resembles an earlier version of the law declared unconstitutional in federal court in 2006, will produce a serious chilling effect on registration drives and dampen turnout in November, according to voting rights groups in Florida. It will also disproportionately burden African-American and Hispanic voter applicants and applicants from Spanish-speaking households, who are twice as likely to register to vote through voter registration drives as white applicants or applicants from English-speaking households.

"This law makes it extremely risky for our volunteers and for our organization to conduct voter registration drives in Florida," said Dianne Wheatley-Giliotti, president of the League of Women Voters of Florida and a plaintiff in the suit. "The escalating fines make voter registration drives prohibitively expensive, even for individuals who just want to help once a month. The threat of paying costly fees will chill registration efforts and keep eligible voters from the voter rolls," she said.

Last week, the League of Women Voters of Florida voted to place a moratorium on all voter registration efforts until the law's steep fines are blocked or clarified so as to reduce the serious risk. The Florida League also stopped registering voters after the original registration law went into effect in 2006, for the first time since 1939. This year will be the first presidential election in the organization's 70 years that it will not be conducting voter registration drives.

The announcement of the suit came on the same day that the U.S. Supreme Court decided to uphold Indiana's restrictive voter ID law, which places a heavy burden on eligible citizens, particularly elderly and low-income persons, to meet strict identification requirements in order to vote.

"This law is just a cosmetic makeover of the very same voter registration law that a federal judge declared unconstitutional less than two years ago," stated Wendy Weiser, counsel to the plaintiffs and Deputy Director of the Democracy Program at the Brennan Center for Justice at NYU School of Law. "In an election year, when we are seeing unprecedented voter enthusiasm in

Florida and across the country, it is disappointing to see the Florida legislature and Secretary of State curtail honest efforts by civic groups to help Florida citizens exercise their right to vote," Weiser added.

"The daunting fines in Florida's law will not improve the registration process—they will only ensure that eligible Florida citizens are denied the chance to register and vote," said James Johnson, Chair of the Brennan Center Board of Directors, co-counsel on the case and a partner at Debevoise & Plimpton. "There are a wide variety of barriers to the franchise thrown up in every election—purges of voter rolls, voter identification and proof of citizenship, voting machine vulnerability and restrictions on registration. In 2004, 20% of total new registrants nationwide came from efforts of not-for-profits. Florida should be encouraging, not restricting, these vital efforts."

After the state's voter registration law was declared unconstitutional in 2006, the Florida state legislature passed a revised version that plaintiffs argue continues to deter voter registration groups and individuals from assisting Floridians in registering to vote. While the Secretary of State initially agreed to refrain from enforcing the new law, he has announced that he will implement it as of April 30, 2008.

The law challenged today creates a punishing and complicated tiered regime of deadlines and fines: \$50 fines for each form turned in more than 10 days after collection; \$250 for each form turned in past a registration deadline; and \$500 for each lost form. The fines apply to each and every form that is lost or late. The fines are \$250, \$500 and \$1000, respectively, for any group or individual found to have done any of the above willfully.

Plaintiffs argue that even with reduced—but significant—fines, the law is so vague that its cumulative effect could be just as risky to non-profit voter registration groups largely operated by volunteers as the earlier version of the law.

The law claims to cap fines at \$1000 per year for an organization and its affiliates. But under the amended law's confusing statutory language, each individual volunteer or worker participating in a voter registration drive could be personally liable for \$1000 in fines. So could individuals who register voters on their own.

"Under this law, the state can fine our volunteers \$1,000 for helping register their friends and neighbors to vote—even for innocent mistakes," stated Marilyn Wills, president of the Tallahassee League of Women Voters and also a plaintiff in the case. Ms. Wills has stopped registering voters for the second time in 30 years out of fear of being subjected to the law's steep fines.

Similarly, while the law claims to include "affiliated" organizations under the \$1000 cap, it does not say what qualifies as an "affiliated" organization, creating a risk that organizations with multiple branches could face significantly higher fines. The steep fines could be enough to decimate organizational budgets.

"All of our local League chapters are separately incorporated groups with a lot of autonomy. If we're not considered affiliates, then each one could be liable for another \$1,000, which would mean statewide, it could cost the League \$27,000 to register voters," stated Wheatley-Giliotti. The League's annual budget is only \$70,000.

In the last presidential election, over half a million citizens in Florida registered through a drive. Of all the registered voters in Florida that year, 17% of African-American voters, 19% of

Hispanic voters, 22% of voters from Spanish-speaking households, and 14% of voters who make less than \$10,000 a year registered through a drive.

"We have 450 local unions across Florida, and most help register new voters before elections," said Cindy Hall, President of the Florida AFL-CIO and a plaintiff in the case. "We can't risk such extravagant fines just because someone turns in a form after two weeks instead of 10 days—which is why we've had to cancel our registration drives across the state," she stated.

"In an election year with unprecedented voter enthusiasm, we fear that Florida's law will cut down electoral participation of eligible voters in a very tangible way," stated Alma Gonzalez, Special Counsel to the American Federation of State, County and Municipal Employees, Council 79 (AFSCME). Because of the new law, AFSCME has suspended planning for voter registration drives this year, at least for now.

"Thirty-five percent of Florida citizens are not registered to vote," said Elizabeth Westfall of the Advancement Project, co-counsel for plaintiffs. "Florida should applaud groups like the League of Women Voters—not penalize them—for assisting eligible Floridians, particularly members of historically disenfranchised communities, in registering to vote."

The full list of plaintiffs in the suit is: League of Women Voters of Florida; American Federation of State, County and Municipal Employees, Council 79 (AFSCME); Florida AFL-CIO; and Marilyn Wills, president of the Tallahassee League of Women Voters.

Plaintiffs are represented by the Brennan Center for Justice at NYU School of Law and the Advancement Project, and by pro bono counsel Debevoise & Plimpton, and Becker & Poliakoff, P.A.

The full complaint can be viewed at:

[http://brennan.3cdn.net/c548715de79a25be36\\_ebm6bnpt1.pdf](http://brennan.3cdn.net/c548715de79a25be36_ebm6bnpt1.pdf)