



# **ELECTION PROTECTION** **YOU HAVE THE RIGHT TO VOTE**

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Statement Opposing Senate Bill 956  
From the Lawyers' Committee for Civil Rights Under Law, Legal Leader of Election Protection  
To the Florida Senate Ethics and Elections Committee  
April 16, 2009

Members of the Committee, the Lawyers' Committee for Civil Rights Under Law (Lawyers' Committee) respectfully submits the following statement in opposition to Senate Bill 956.

In 2000, structural deficiencies in Florida's election system – problems at the polling place causing confusion on Election Day, discriminatory voter purges, overly restrictive voting requirements that blocked eligible voters from casting a ballot – thrust Florida into the national spotlight. Since that time, this committee and Floridians across the state have worked to address the problems that brought national attention to the problems Floridians encounter when voting. Unfortunately Senate Bill 956 threatens to recreate the problems that voters encountered in 2000. Not only would this bill increase the number of election-related problems on and before Election Day, it would severely– if not completely -- restrict the ability of non-partisan programs, like Election Protection, which solves many Election Day problems, from providing critical assistance to Florida's voters.

Senate Bill 956 has many provisions that will disenfranchise an untold number of Floridians. The Lawyers' Committee opposes this legislation because the provisions highlighted below will block eligible voters from casting a ballot and will prevent Floridians from taking advantage of critical, non-partisan services:

- Increasing the solicitation zone to 100 feet from voters standing in line will prevent non-partisan organizations, like the Lawyers' Committee and programs like Election Protection, from providing crucial assistance to voters on Election Day;
- Requiring first-time voters who register by mail to present ID before showing up on Election Day, will add an undue burden on election officials by creating unnecessary provisional balloting and will block new voters from the polls because they are unlikely to show up twice – first to verify their identity and second to vote. Also, this provision will put an undue burden on those voters who have work and family obligations that prevent them from having a flexible schedule;
- Removing retirement center and neighborhood association IDs from the list of acceptable forms of identification that can be presented to register and vote, will block our seniors from the polls

and will create another barrier for traditionally disenfranchised voters with no evidence that their use causes problems;

- Requiring quarterly list maintenance during odd number years, and monthly maintenance during even numbered years will result in the removal of eligible voters and risk the disenfranchisement of voters that plagued the 2000 election cycle; and
- Stopping the practice of allowing voters who present affirmation of a name or address change less than 29 days before an election to cast a regular ballot on Election Day will significantly increase the number of voters forced to cast a provisional ballot, creating further burdens on election officials, and unnecessarily disenfranchise voters.

All of these provisions create a recipe for disaster, not only for Florida's voters, but also the men and women who work hard to administer the state's elections.

Many of our coalition partners are providing comments about why these provisions are bad for Florida voters and Senate Bill 956 should be struck down. The Lawyers' Committee would like to focus on matters pertaining to the solicitation zone. As mentioned before, this provision will effectively shut down critical elements of the Election Protection Coalition's operations during the early vote period and on Election Day. Since 2004, the coalition has provided valuable information, assistance, and support to voters and election officials across the state of Florida. The resources the coalition provides to voters on Election Day have helped thousands of Floridians cast ballots and helped stop problems before they led to the large-scale disenfranchisement of eligible voters.

## **What is Election Protection?**

Election Protection – the nation's largest non-partisan voter protection coalition – was created in 2001 to monitor and mitigate problems and to help ensure that all voters have an equal opportunity to participate in the political process. Since its inception, the coalition and its volunteers have worked year-round with voters, election officials, and non-partisan civic engagement organizations to protect the rights of traditionally disenfranchised voters. The diversity, size and reach of the coalition allowed its success. More than hundreds of national and local organizations, representing the full spectrum of the electorate, worked to weave Election Protection into the fabric of the historic 2008 election. The diversity, size and reach of the coalition allowed its success.

During the last three election cycles, Election Protection has recruited, trained and deployed over 37,000 volunteers – including over 20,000 lawyers, law students and paralegals – to protect the rights of traditionally disenfranchised voters. One of the cornerstones of the program is 1-866-OUR-VOTE, the nation's largest voter services hotline which, since its inception, has handled over 500,000 calls from voters across the country, including over 240,000 during the 2008 election cycle. On Election Day, the hotline is complimented by a full-scale deployment of mobile legal volunteers at polling places in voting jurisdictions across the country. These fully trained non-partisan volunteers provide crucial direct assistance to voters, help solve problems, and relay critical information to local and state election officials.

The 2008 Election Protection program was the most ambitious voter education and protection effort in history — a robust extension of the coalition’s voter protection programs in 2004 and 2006. Election Protection’s network of more than 10,000 trained legal volunteers fanned out across the country engaging and assisting election officials, coordinating with community partners and educating voters throughout the year. These volunteers provided crucial on-the-ground support to voters, collaborated with election officials, and, when necessary, litigated, helping to solve countless problems and preventing disenfranchisement from coast to coast. Hundreds of thousands of voters who faced barriers to voting benefited from direct contact with Election Protection’s volunteers.

## **Election Protection Florida 2008**

Election Protection received over 13,000 calls from Florida voters seeking assistance in 2008. The vast majority of these calls (65% of all reports logged into the Election Protection’s [www.ourvoteline.org](http://www.ourvoteline.org) database) dealt with registration problems or problems at the polling place. On Election Day, the coalition assisted thousands of voters through call centers in Miami-Dade, Broward and Palm Beach counties and legal field deployments at targeted polling places in Miami-Dade, Broward, Palm Beach, Orange and Hillsborough counties.

This comprehensive field and hotline program allowed Election Protection to assist thousands of voters leading up to and on Election Day. We confirmed registrations and polling places, informed voters of ID requirements, helped poll workers manage long lines, and more. Below is a brief outline of Election Day problems voters in Florida encountered:

- **Registration Problems.** Overall, 37 percent of the problems Floridians reported to the Election Protection hotline involved a registration issue.
- **Absentee Ballots.** Many voters reported never receiving their absentee ballots, despite timely requests.
- **Polling Place Problems.** Difficulties with voting machines were prevalent across the state on Election Day, and were the second biggest problem reported to the hotline.
- **Long Lines.** Excitement over the election had prompted unprecedented registration and turnout in Florida. During the early voting period Floridians waited several hours to cast a ballot. On Election Day the problem persisted in many areas.

Our volunteers both at the hotline and in the field worked with voters and election officials to address these problems. Below are a few examples of the varied assistance Election Protection field volunteers gave at Florida precincts on Election Day:

- At a polling location which had two different precincts – one for local residents, and one for students of a nearby university, the student line was six hours long, and a lack of communication had resulted in many local voters getting in the much longer student line. Any local voter who went to the student line would have had to wait hours and would likely have had to cast a provisional ballot that would not have been counted because they were in the wrong precinct. Or they would have to go to the back of the local line and begin the wait again. Our volunteers at this

polling location were able to direct voters to the correct line, minimizing voter confusion and ensuring that they were able to cast a ballot that would be counted

- At the University of South Florida in Tampa, election officials had underestimated turnout and the result was too few machines, an hours-long lines and overwhelmed poll workers. After the Election Protection volunteers notified the Supervisor of Elections of the problems at the precinct, more machines were sent to the precinct significantly reducing the wait time for voters.
- At another precinct, our legal volunteers became aware that the machinery from a roadwork crew was blocking the entrance of the polling place and limiting voter access to the polling place. Our volunteers spoke to the crew who removed the machinery from the site and voters were able to easily enter the polling place.
- A precinct tried to close early even though there were voters still in line. Our legal volunteers responded first by discussing first talking to the poll workers and, ultimately, by contacting the election officials for the district in which the polling location was situated. Fortunately, the election officials came to realize the illegality of closing the polls early and allowed the voters to vote. For two of the voters, the 2008 election was their first. They were so happy to have been able to cast their vote.

Had SB 956 been in place for the 2008 election, Election Protection would not have been able to provide this critical on-the-ground support for voters at their polling place. Voters would either have waited in the wrong line to cast a provisional ballot that would not count or had to wait hours longer to vote or would have been denied their fundamental right to vote altogether. SB 956 is a harmful bill for many reasons, but it is particularly dangerous because as it increases the roadblocks to eligible citizens exercising their fundamental right to vote. It also takes away a critical lifeline for Floridians – the support provided by Election Protection field program and other nonpartisan efforts.