

**United States Senate Judiciary Committee  
Subcommittee on the Constitution, Civil Rights and Human Rights  
Senator Richard J. Durbin, Chairman**

New State Voting Laws II: Protecting the Right to Vote in the Sunshine State  
Friday, January 27, 2012  
Tampa, Florida

**Opening Statement**

(As Prepared for Delivery)

This hearing of the United States Senate’s Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights will come to order. Today’s hearing is entitled, “New State Voting Laws II: Protecting the Right to Vote in the Sunshine State.” The hearing will examine the impact of HB 1355, Florida’s new voting law.

**Expanding and Protecting Right to Vote**

Four days from now, hundreds of thousands of people across the state of Florida will go to their local polling places to cast a ballot for the person they believe is best prepared to represent their political party in this year’s presidential election. The Republican contest is wide open, but I am fairly confident that President Obama will win the Democratic primary.

This time-honored tradition of public debates, intense campaigns, and the orderly selection of party nominees is a hallmark of our democracy. Of course, the core element of that democracy is the constitutionally protected right of every citizen of legal age to cast a vote for the candidate of his or her choice.

But it is important that we recall that until the early 20<sup>th</sup> Century most American adults could not vote. And even after the franchise was legally expanded, a violent racist campaign prevented many African Americans from voting. Sadly, the Jim Crow laws of that era were a reality in Florida, and it was not until 1969 that

Florida became one of the last states to ratify the 19<sup>th</sup> Amendment, which expanded the right to vote to women.

Six Constitutional Amendments and numerous laws, regulations, and court decisions have helped make the promise of “one person, one vote” a reality for all segments of our society.

But we must be constantly vigilant against threats to these hard-fought victories. The Supreme Court’s *Citizens United* decision, which was issued two years ago this week, opened a flood of special interest cash into elections, resulting in the non-stop TV ads that Floridians are suffering through in the lead up to the primary. At the same time, over the course of the last year, the right to vote has come under attack nationwide.

### **New State Voting Laws**

In more than 35 states, legislation has been introduced that threatens to roll back the progress our country has made over several generations expanding and protecting the right to vote.

More than a dozen states have already enacted laws that eliminate same-day registration, require voters to present restrictive forms of identification before voting, reduce the number of early voting days, and make it harder for first time voters to register.

These new voting laws appear to be part of a coordinated, well-funded effort to reduce turnout among specific groups of people, namely minority, young, low income, and rural voters.

In response to this disturbing trend, the Subcommittee on the Constitution, Civil Rights and Human Rights held the first Congressional hearing to examine these new state voting laws in September 2011.

At that hearing, we learned that these new state voting laws threaten to keep as many as 5 million Americans from voting in 2012.

As the testimony at today's hearing will demonstrate, many of those voters who may find their path to the ballot box blocked or filled with obstacles live right here in the state of Florida.

Sen. Bill Nelson asked the Subcommittee to hold this hearing because of his concern that the constitutionally protected right to vote is under attack in the State of Florida. Today's hearing is the first-ever field hearing of this Subcommittee.

I thank Sen. Nelson for his advocacy on this issue and I share his concern that Florida's new law, HB 1355, threatens to disenfranchise hundreds of thousands of Floridians.

### **Florida's Law: HB 1355**

As we will hear from today's witnesses, HB 1355 makes a number of changes to Florida's voting laws, including:

- Cutting the number of early voting days almost in half, from 14 to 8.
- Eliminating early voting the Sunday before an election.
- Requiring third party organizations that register voters to register with the state and meet an array of onerous administrative requirements or face hefty fines of hundreds or even thousands of dollars.
- Requiring Florida residents who have moved within the state and are updating their addresses at their polling site to vote a provisional ballot. For the record, more than 40% of provisional ballots were not counted in the last election.

### **Governor Scott and Questions About the Law**

Governor Rick Scott signed HB 1355 into law last year. In September of last year, I sent a letter to Governor Scott asking whether he planned to take any action to ensure that HB 1355's new restrictions would not disenfranchise Floridians. To this day, the Governor has not responded to my letter.

I invited Governor Scott to testify at today's hearing, hoping he would explain his support for HB 1355 and answer the questions that have been raised about the law. I am disappointed that the Governor did not respond to my invitation.

Had Governor Scott or a designated representative of his administration accepted our invitation, they would have had an opportunity to answer the questions many are asking about the law, including:

- Was the provision of HB 1355 that eliminates early voting on the Sunday before an election specifically targeted to reduce the turnout of African American and Latino communities, who make up the overwhelming number of voters on the Sunday before an election?
- Did the Florida legislature anticipate that HB 1355's new administrative requirements for third party voter registration groups and the threat of hefty fines imposed would force groups like the League of Women Voters, Rock the Vote, the Boy Scouts and other respected, non-partisan voter registration groups to indefinitely suspend all voter registration drives in the state?
- Why does HB 1355 require Floridians who attempt to update their addresses on Election Day to cast provisional ballots, a large percentage of which are not counted in the final result?

I am very pleased that we are joined by a distinguished panel of witnesses who will provide insight on these and other questions concerning the new law.