

FLORIDA STATE HEARING

University of Miami School of Business Administration
Miami, Florida
March 31, 2014

NATIONAL COMMISSIONER

Leon W. Russell, Vice Chair of the National Board of Directors, NAACP

GUEST COMMISSIONERS

Hon. Dan Gelber, founding partner, Gelber,
Schachter & Greenberg; former State Senator
and Representative

Lisa Rodriguez-Taseff, partner, Duane Morris LLP

Dr. Daniel A. Smith, Professor, University of Florida
Research Foundation

PANELISTS

Nancy Abudu, Director of Legal Operations, ACLU
of Florida

Brad Ashwell, Common Cause of Florida

Maribel Balbin, President, League of Women
Voters Miami-Dade

Ana Delarosa, Mi Familia Vota

Marc Dubin, Esq., Director of Advocacy, CIL
South Florida

Linda Geller-Schwartz, National Council of Jewish
Women

Mone Holder, Florida New Majority

Desmond Meade, Florida Rights Restoration

Katie Roberson-Young, Staff Attorney, SEIU

Beverly Rutherford, AFL-CIO; Florida Coalition for
Black Civic Engagement

Mark Schneider, Voting Rights Coalition-Palm
Beach

Cynthia Slater, Civic Engagement Chair, Florida
NAACP

Carol Stachurski, Program Operations Manager,
Disability Rights Florida

Carolyn Thompson, Florida Protection Advocate,
Advancement Project

PUBLIC TESTIMONY

H. Paul Douglas, NAACP of Hernando County

Paul Edwards, President, Florida Council of the
Blind

Reneta Holmes, Labor Education Advocacy

Damian Gregory

Liza McClenaghan, Collier County

Calvin Clarence "C.C." Reed, Gubernatorial
Candidate, State of Florida

SUPPORTING ORGANIZATIONS (NOT EXHAUSTIVE)

Advancement Project

American Civil Liberties Union of Florida

Center for Independent Living of South Florida

Common Cause

Disability Rights Florida

Florida New Majority

Florida State Conference of the NAACP

Latino Justice PRLDEF

League of Women Voters of Florida

National Council of Jewish Women

SEIU Florida

Voting Rights Coalition of Palm Beach County

FLORIDA STATE HEARING HIGHLIGHTS

On March 31, 2014, 35 voters, activists, and voting rights advocates gathered at the Storer Auditorium at the University of Miami School of Business Administration to share their experiences of the voting challenges they continue to face in Florida at a hearing convened by the Lawyers' Committee for Civil Rights Under Law. Witnesses testified about continued barriers to equal participation in our democratic process for voters in Florida, including discriminatory election administration practices, the lack of equal representation for racial minority communities, continued barriers for voters with limited English proficiency, and the disproportionate impact of felon disenfranchisement laws on communities of color.

I. Discriminatory Election Administration Practices

Several witnesses presented testimony on election administration practices that discourage disproportionately minority voters from participating. Prior to the *Shelby County v. Holder* decision, five Florida counties were required to seek preclearance for changes to election practices and procedures under Section 5 of the Voting Rights Act ("VRA").¹

A. Long Lines

Maribel Balbin, President of the League of Women Voters of Miami-Dade County, presented testimony about long lines that voters faced during early voting and on Election Day. In Miami-Dade County, the most populous county in Florida, Balbin testified that voters were forced to wait in line for as long as eight hours. Linda Geller-Schwartz, representing the National Council of Jewish Women, noted that "many black and Latino voters waited nearly twice as long in voting lines as white voters." Carolyn Thompson, the Florida Protection Advocate for the Advancement Project, presented testimony regarding a study of Florida precincts in the 2012 election which showed "an unmistakably clear disparate impact . . . on African American and Latino voters."² Through analysis of precinct demographics and closing times, the study concluded that Latino voters were confronted with the longest lines, "but generally speaking, black voters also waited slightly longer than white voters." The Florida Democratic Party filed suit against the Secretary of State and several county election supervisors.³ The suit alleged that the long lines burdened the right to vote and requested a temporary restraining order as well as emergency injunctive relief to extend early voting hours. The parties agreed to a settlement that permitted voters to drop off absentee ballots through the Monday before Election Day.

¹ See, DOJ list of preclearance jurisdictions prior to *Shelby*: http://www.justice.gov/crt/about/vot/sec_5/covered.php

² See, DOJ list of preclearance jurisdictions prior to *Shelby*: http://www.justice.gov/crt/about/vot/sec_5/covered.php

³ See, *Florida Democratic Party v. Detzner*, 12-cv-24000 (S.D. Fla. 2012).

B. Provisional Ballots

Drawing from the 2012 Florida precincts study mentioned above, Thompson also provided testimony showing that Florida voters of color were “more likely than white voters to cast provisional ballots and nearly twice as likely to have their provisional ballots rejected.”

C. Polling Place Locations

H. Paul Douglas, representing the NAACP, Branch 5012 of Hernando County, presented testimony on the closure of polling locations in Hernando County. On May 24, 2012, the Hernando County Board of Commissioners approved a plan that reduced the number of voting precincts from 57 to 39.⁴ Douglas testified that officials closed polling places for “precincts [in] mostly African-American communities.” He also expressed concern that the closures were confusing to voters since polling places remained open for the primaries, but were later closed for the general election.

D. Voter Purge

Thompson also presented testimony on the Florida “voter purge,” which initially identified 180,000 registered voters as potential non-citizens. According to Thompson, roughly 2600 voters, including naturalized citizen Karla Vanessa Arcia, received letters giving them 30 days to prove their citizenship and residency, or risk being removed from the voter rolls. Thompson testified that the majority of the voters that received these letters were Latino and 82 percent of them were voters of color. The U.S. Department of Justice (“DOJ”) filed suit against the state of Florida, alleging the purge violated the National Voter Registration Act (“NVRA”) and requesting a temporary restraining order. The U.S. District Court for the Northern District of Florida denied the motion, in part, because the Secretary of State voluntarily stopped the purge.⁵

II. Minority Representation

Nancy Abudu, Director of Legal Operations for the ACLU of Florida, presented testimony on the impact of recent redistricting plans on minority representation. According to Abudu, “redistricting continues to be an important issue as several cities and counties are still undergoing the redistricting process.” Despite changing demographics and increases in the minority population, Abudu testified about the lack of diversity in local government. Abudu pointed to several examples, including the Village of Miami Shores, the City of Sopchoppy, and the City of Jacksonville. According to 2010 Census data, the minority population in each of these cities was greater than 30 percent of the total population,⁶ but according to Abudu,

⁴ *Hernando County, Fla., Agenda Item 6651 (May 24, 2012)*, available at http://hernandocountyfl.iqm2.com/citizens/Detail_LegiFile.aspx?MeetingID=1346&ID=6651.

⁵ *See, United States v. Florida*, 870 F. Supp. 2d. 1356 (N.D. Fla. 2012).

⁶ *American Fact Finder, U.S. Census Bureau*, <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>

election schemes such as at-large and mixed electoral systems make it difficult for minorities to secure representation in local government.

III. Language Access

Liza McClenaghan, representing the NAACP Unit 5117 PAC and a resident of Collier County, presented testimony on the County's compliance with minority language requirements. According to McClenaghan, Collier County is one of 13 Florida counties that is covered by the minority language provisions of Section 4(f)(4) or Section 203 of the VRA.⁷ Despite being covered by these provisions, McClenaghan testified that Collier County election officials "forgot to publish a Spanish version or Haitian Creole version of the Voter Guide on their websites" in advance of the 2012 election. As of June 2014, the Collier County Supervisor of Elections' website provided a "translate" function, but it did not appear to provide Spanish or Spanish-Creole versions of documents.

Katie Roberson-Young, an attorney with the Service Employees International Union, presented testimony on the lack of bilingual poll workers at many polling places. According to Roberson-Young, some Creole-speaking voters waited in lines up to eight hours only to find "they either had no translation help, or they had to wait even longer than other voters in a separate line until one of too few Creole-speaking election workers became available." At some polling places, according to Roberson-Young, the poll workers "claim[ed] that translators could assist only a limited number of voters each day" and prevented voters "from receiving literacy or translation assistance from family or friends." Without assistance, Roberson-Young testified that some non-English-speaking voters submitted invalid ballots that could not be counted.

IV. Disenfranchisement of Incarcerated and Formerly Incarcerated Floridians

Desmond Meade, President of the Florida Rights Restoration Coalition and State Director for the Life Lines and Healing Campaign, presented testimony on the disproportionate impact Florida's felon disenfranchisement laws have on minorities. According to the Sentencing Project, over 1.54 million Floridians were not able to vote in 2010 due to felony convictions, including an estimated 23 percent of Florida's voting age African Americans.⁸ Along the same lines, Mark Schneider, of the Voting Rights Coalition of Palm Beach County, estimated that Florida "lose[s] about 40,000 eligible voters per year to felony disenfranchisement." At the same time, Schneider noted that the number of people who have had their voting

⁷ Coverage Under Section 4(f)(4), 28 C.F.R. § 55.5 (2013).

⁸ Interactive Map: Florida, The Sentencing Project, <http://www.sentencingproject.org/map/map.cfm#map>

rights restored following a felony conviction has decreased in recent years.⁹ According to the Florida Parole Commission, the rights restoration process requires convicted persons to complete their criminal sentences and a five to seven year waiting period before they are eligible to apply for clemency.¹⁰

⁹ Nancy Abudu, *Why Have 1.5 Million Floridians Been Banned from Voting?*, *Am. Civ. Liberties Union Blog of Rts.* (Sept. 23, 2013), <https://www.aclu.org/blog/human-rights-voting-rights/why-have-15-million-floridians-been-banned-voting>.

¹⁰ *Frequently Asked Questions About Clemency*, *Fla. Commission on Offender Rev.*, <https://fpc.state.fl.us/faq-clemency.shtml>