



**Testimony of Matletha Bennette**

Senior Staff Attorney, Voting Rights  
Southern Poverty Law Center

Before the  
House Administration Subcommittee on Elections  
“Voting in America: Access to the Ballot in Florida”

May 25, 2022

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Chairman Butterfield, Ranking member Steil, and members of the Committee on House Administration – Subcommittee on Elections. I am Matletha Bennette, a Senior Staff Attorney in the Voting Rights Practice Group at the Southern Poverty Law Center (SPLC).

Thank you for the opportunity to speak before you today on “Voting in America: Access to the Ballot in Florida.” Florida has a long history of denying voting rights to citizens, especially people of color, women, and young people. Despite the gains made over the past several decades, we face a renewed commitment by many to return to the old, shameful days of poll taxes, literacy tests, identification cards, and citizenship tests. Though these modern-day voter suppression efforts use new tools and are often rhetorically clothed in the language of “election integrity” legislation, opponents of voting reform, emboldened by lies of fraud, are becoming increasingly vocal regarding their plans to dismantle the elections process, brick by brick. These movements have been successful in inciting violence, intimidating voters, and subverting the will of the people.

Established in 1971, the SPLC is a catalyst for racial justice in the South and beyond, working in partnership with communities to dismantle white supremacy, strengthen intersectional movements, and advance the human rights of all people. SPLC works with impacted communities to eradicate poverty, decriminalize and decarcerate Black and brown people, protect voting rights and civic engagement, and dismantle white nationalism to protect democracy. Our practice group issue areas include: hate & extremism, children’s rights, immigrant justice, LGBTQ rights, economic justice, criminal justice reform, and voting rights.

The Voting Rights Practice Group works to empower voters and eliminate disenfranchisement and discriminatory voting practices in the Deep South. In collaboration with community partners and organizers, we engage and mobilize voters, restore voting rights to returning citizens, pursue electoral policy reforms, and bring litigation to challenge unconstitutional and discriminatory voting practices. The SPLC is committed to protecting and increasing access to the ballot box throughout the South, but particularly for Floridians in 2020. We promote expansion of the state’s existing early voting options, including securing additional days, hours and locations to vote. We have also supported legislation that allows automatic and same-day voter registration and worked to defeat bills aimed at expanding the state’s felony disenfranchisement law.

### **Historical Context for Florida’s Voter Suppression**

“The right...to vote shall not be denied...on account of race.”<sup>1</sup> In 1870, the Fifteenth Amendment was ratified and lauded as granting a voice at the ballot box to Black people and former slaves, basically protecting the voting rights of African American men after the Civil War. Unfortunately, ineffective enforcement of that constitutional amendment allowed Southern states to impose discriminatory voting practices that effectively disenfranchised African Americans.

Florida, like all former Confederate states, stealthily found ways to circumvent the Fifteenth Amendment. Since race could not be a factor, southern states instituted a White primary that eliminated the Black electorate from

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<sup>1</sup> U.S. CONST. AMEND. XV, §1.

participation, and grandfather clauses that seeded out Black voters whose grandfathers were born slaves and had never fathomed electing a candidate of their choice. Additional suppressive measures included a poll tax that disenfranchised the poorest individuals, who were overwhelmingly and disproportionately Black, and literacy tests for those who could not read, eradicating the right to vote for former slaves who would have been killed for picking up a book. Further, Florida's felony disenfranchisement statute, set against the backdrop of the mass incarceration of Black and Brown men, has been successful in denying a voice at the ballot box to many minorities.

When these tactics became insufficient to reach the desired end, violence became the poison of choice. On Election Day 1920, in Ocoee, Florida, a quiet Florida town became the site of a gruesome race riot when 30 to 60 Black citizens were murdered, and their homes and communities were burned to the ground, after a Black man attempted to vote.<sup>2</sup> As Judge Mark Walker opined in his 288-page decision against one of Florida's most restrictive voting laws in recent history, "Restrictive voting laws and racial violence made a brutally effective pair."<sup>3</sup>

In theory, the Fifteenth Amendment granted Black people the right to vote. But, in practice, the innovative barriers that Florida officials used to silence the voice of the people, and the surge of violence against those who dared to cross them, succeeded in disenfranchising the most vulnerable of Florida's electorate for decades.

Years after the passage of the Voting Rights Act of 1965, Florida's long and storied history of denying poor people, racial minorities, and women the right to vote is still being written. In fact, since 2013, when the Supreme Court gutted Section 5 of the Voting Rights Act, which provided the greatest legal protections to the most marginalized communities, we have seen states in the Deep South pass voter suppression laws that target the same communities Section 5 was enacted to safeguard. Extremist hate groups threatened by Black empowerment, conspiracy theorists easily baited by election fraud rhetoric, and others seeking to maintain the status quo have collectively incited lawmakers to peel back the protections of the waning Voting Rights Act. A flood of discriminatory voting laws has been unleashed across the South, and Florida is riding the waves.

#### **Failed Implementation of Amendment 4**

Prior to the adoption of the Voting Restoration Amendment (known as Amendment 4), Florida's criminal disenfranchisement laws were among the most restrictive in the country. In 2018, SPLC joined a coalition of voting rights groups, led by the Florida Rights Restoration Coalition, to support the passage of Amendment 4. Sixty-five percent of Florida voters chose to restore voting rights to 1.4 million residents who had completed their sentences for felony convictions. After years of inaction by elected officials, Floridians overwhelmingly approved the largest expansion of the right to vote since the Voting Rights Act.

Despite the unambiguous and self-executing nature of Amendment 4, the Florida Legislature brazenly closed its 2019 Legislative Session with the passage of Senate Bill 7066, so-called "implementing legislation" that ignored the will of the voters and gutted the spirit of Amendment 4 by defining completion of one's sentence to include payment of all fines and fees associated with the sentence. No reasonable person could have imagined that after passage of Amendment 4, a person who had completed their term of imprisonment would nevertheless remain disenfranchised due to financial obligations.

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<sup>2</sup> Darryl Paulson, "Florida's history of suppressing blacks' votes," <https://www.tampabay.com/news/perspective/floridas-history-of-suppressing-blacks-votes/2146546/>, Tampa Bay Times, October 11, 2013; Office of Program Policy Analysis and Government Accountability (OPPAGA), "Ocoee Election day Violence – November 1920," <https://oppaga.fl.gov/Documents/Reports/19-15.pdf>, November 2019.

<sup>3</sup> League of Women Voters v. Lee, National Republican Senatorial Committee, and Republican National Committee, Case 4:21-cv-00186-MW-MAF, Final Order Following Bench Trial, At 44 (N. D. Fla. 2022).

Florida has a decentralized system of records, in which 67 county Clerks of Courts, the state Department of Corrections, and the Florida Office of Executive Clemency, and other agencies all keep different records and maintain different systems of a convicted felon's outstanding balances. In a sworn deposition, a chief official at the Secretary of State's office acknowledged that, since the implementation of Amendment 4, the state has been relying on information from the Department of Corrections that may be inaccurate, in determining who is eligible to vote or not.<sup>4</sup> She also acknowledged that it was unclear how someone with a felony conviction might be able to verify if they still owe money in fines and fees related to their case.<sup>5</sup> For example, if a defendant is being sentenced to incarceration, but not probation, that person may understandably give little regard to the financial penalties associated with the conviction. It may be many years until the person is released, and once released, the individual may not be well versed in navigating the complexities of multiple clerks' offices or the Department of Corrections to make the necessary determination of the status of the legal financial obligations.

Many returning citizens struggle to obtain decent jobs or housing, and struggle to pay back those obligations, with minorities—especially women of color—bearing the brunt of the legislation's impact. According to the Sentencing Project, nearly 900,000 Floridians who have completed their sentences remain disenfranchised due to legal financial obligations.<sup>6</sup>

In *Harper v. Virginia Board of Elections*, the Supreme Court held,

Wealth or fee paying has...no relation to voting qualifications; the right to vote is too precious, too fundamental to be so burdened or conditioned...The principle [Equal Protection Clause] that denies the State the right to dilute a citizen's vote on account of his economic status or other such factors by analogy bars a system which excludes those unable to pay a fee to vote or who fail to pay.<sup>7</sup>

The voters were clear: Give our returning citizens the right to vote.

The inclusion of financial obligations as a prerequisite to registering to vote conditions an individual's right to vote on the ability to pay a fee. SB 7066 is not only a poll tax, but an affront to democracy.

In July 2019, the SPLC filed a federal lawsuit that describes how the payment requirement is an unconstitutional poll tax and discriminates against people based on their wealth.<sup>8</sup> Because a quarter of all Black women in Florida live below the poverty line, and the unemployment rate for Black women with a felony conviction is more than 43 percent, women of color are paid less than their male and White female counterparts and are likely to be more adversely affected by the new law.<sup>9</sup> The SPLC lawsuit was filed on behalf of people like Rosemary McCoy who, months after regaining the right to vote, faces revocation of that right "based purely on their low-income economic status."<sup>10</sup> Or women, like Janine Williams, a hopeful mother who, after her release from prison, spent years in several post-release programs like probation, parole and house arrest—accumulating thousands of dollars of debt from the costs of all the supervision, passed on to her in the form of monthly fees.<sup>11</sup> Though the specific gender discrimination claim brought by SPLC on behalf of

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<sup>4</sup> Deposition of Toshia Brown, Chief of Voter Registration Services, Secretary of State, 150-151 (cited in Daniel Rivero, "Documents: Top Florida Officials 'Don't Know' How to Verify Felon Voting Eligibility," <https://www.wlrn.org/news/2019-09-19/documents-top-florida-officials-dont-know-how-to-verify-felon-voting-eligibility>, September 19, 2019).

<sup>5</sup> Id.

<sup>6</sup> The Sentencing Project, "Locked Out 2020: Estimates of People Denied Voting Rights Due To A Felony Conviction," <https://www.sentencingproject.org/wp-content/uploads/2020/10/Locked-Out-2020.pdf>, 2020.

<sup>7</sup> 383 U.S. 663 (1966).

<sup>8</sup> McCoy, et al, Consolidated Case No: 4:19cv300-RH/MJF, Compl. for Decl. and Inj. Relief (N.D. Fla. 2019) (*consolidated with Jones, et al v. Desantis, et al*, 462 F. Supp. 3d 1196 (N.D. Fla. 2020) (*affirmed*, Jones v. DeSantis No. 20-12304 (11<sup>th</sup> Cir. 2021))).

<sup>9</sup> <https://www.splcenter.org/seeking-justice/case-docket/mccoy-et-al-v-desantis-et-al>

<sup>10</sup> McCoy, et al, Compl. for Decl. and Inj. Relief, At 1. <https://www.splcenter.org/seeking-justice/case-docket/mccoy-et-al-v-desantis-et-al>

<sup>11</sup> <https://www.splcenter.org/news/2020/02/04/paroled-after-16-years-alabama-woman-finally-begins-life-adult>

McCoy and others failed on appeal, the Eleventh Circuit ultimately ordered that it is unconstitutional to condition voting on a requirement to pay amounts that are unknown and cannot be determined with diligence.<sup>12</sup>

SPLC and other community groups continue to assist individuals like Janine and Rosemary with repayment of their financial obligations and to provide them with resources for determining their eligibility to vote. Court officials are modifying sentences and allowing some debts to be converted to community service, volunteers are holding fundraisers to pay off penalties for residents, and organizations across the state aim to ensure returning citizens can still register to vote. Nevertheless, confusion, disenfranchisement, and even re-incarceration for hundreds of thousands of potential voters remain.

By removing all financial obligations as a prerequisite to vote or providing a feasible pathway for repayment of these obligations, Florida can (1) correct the administrative chaos it created in passing SB 7066 and (2) support the 65% of Floridians who understood that an individual's right to participate in a Democratic society should not be contingent on how much money he or she makes.

### **Suppressive Voting Legislation in Recent Years**

Despite the raging COVID-19 pandemic, Florida saw record turnout at the polls, thanks in large part to voting by mail. Though the state was carried by former President Donald Trump, Republican legislators with an eye to redistricting and this year's gubernatorial election are now seeking to maintain power by tightening the reins on the entire elections process through restrictive voting legislation. These bills are nothing more than voter suppression disguised as election integrity.

#### ***Senate Bill 90 (2021)***

In 2021, the Florida Legislature introduced and passed Senate Bill 90, which created unnecessary barriers and burdens that disproportionately and unconstitutionally impact Black and Latinx voters, women voters, and voters with disabilities. These excessive restrictions serve no purpose other than to prop up a political point and perpetuate a narrative of distrust in our elections processes.

The law requires groups engaged in voter registration activities to provide misleading information to voters that the organization "might not" submit the voter's registration application on time and to direct voters to the state's online registration portal. The law imposed this requirement even though Florida already has some of the most onerous third-party voter registration laws in the country, imposes hefty penalties on groups that do not return voter registration forms on time and has not had significant issues with untimely applications submitted by these groups. The SPLC filed a federal lawsuit on behalf of Harriet Tubman Freedom Fighters, Corp., a nonprofit, nonpartisan organization that focuses its registration efforts on youth, communities of color and returning citizens, challenging this unconstitutional aspect of the Florida law.<sup>13</sup>

During the 2020 general election, over 4.8 million Florida voters opted to use mail-in ballots, over 2 million more than in 2016.<sup>14</sup> Senate Bill 90 limits secure drop box availability to early voting hours, requires them to be physically manned, and requires them to be emptied every day – even though there has been no evidence of tampering. The measure effectively eradicates the convenient 24-hour drop boxes many hardworking Floridians have come to rely on for casting their ballot after late-night work shifts, between busy schedules, and

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<sup>12</sup> Jones, et al. v. DeSantis, supra 7.

<sup>13</sup> Harriet Tubman Freedom Fighters, Corp., et al. v. Laurel Lee, et al., Consolidated Case: 4:21cv242-MW/MAF (N.D. Fla. 2021) (*consolidated with* League of Women Voters of Florida, et al v. Laurel Lee, et al, Consolidated Case: 4:21cv186-MW/MAF (N.D. Fla. 2020))

<sup>14</sup> Florida Division of Elections, Archived Early Voting and Vote-by-Mail Statistics, 2020 Elections, General Election - <https://fldoswebumbracoprod.blob.core.windows.net/media/703948/gen-2020.pdf>

amidst health concerns during the pandemic. Limiting drop boxes heightens the risk of long lines, chaos, confusion and low voter turnout. It also makes voting disproportionately less accessible and fair for voters of color, low-income communities, individuals with disabilities, and other marginalized voters.

The bill also criminally punishes simple possession of a ballot beyond the ballots of an immediate family member or two other people per election, even if the person possessing the ballot is doing it for free. This limitation makes it much more difficult for individuals to help a neighbor, a senior, or a disabled person, exercise their constitutional right.

And Florida legislators didn't just stop there.

Senate Bill 90 requires voters to provide a state ID number or the last four digits of their Social Security number to obtain a mail ballot, providing no alternative if a voter has neither identification number. It shortens the time period during which a voter can remain on the state's vote-by-mail list, which entitles them to receive a mail ballot automatically. It modifies rules for observers in ways that could disrupt election administration and restricts private individuals and entities from administering a single drop of water or morsel of food to voters trapped in long, hot voting lines. Even beyond the ballot box, the bill turns Florida's historical resign-to-run provisions on their head, stripping power from local communities when seats become vacant, and vesting authority in the Governor to cherry pick local officials.

On March 31, 2022, the U.S. District Court for the Northern District of Florida found that Senate Bill 90 infringed on the right to free speech by forcing organizations to make false claims to potential voters while trying to help them register. Ruling in three cases consolidated with the lawsuit, the court mandated that Florida seek pre-clearance from the Department of Justice for the next 10 years for changes to voting laws that would restrict drop boxes, voting by mail, third-party voter registration organizations, or assisting other voters.<sup>15</sup> On May 6, 2022, the Eleventh Circuit Court of Appeals in Atlanta overturned the injunction that stopped the law from being enforced, giving Florida free rein to enforce the suppressive measures.<sup>16</sup>

### ***Senate Bill 524 (2022)***

Less than a year after the passage of the more expansive Senate Bill 90 (2021) and under the shade of pending litigation, Senate Bill 524 (2022) makes more detrimental changes to Florida's election laws. Pressured by homegrown groups like Defend Florida, a statewide right-wing organization that has perpetuated allegations of election fraud in the 2020 election, the legislation doubles down on existing barriers to voting and notoriously equips an additional government agency to sniff out problems that do not exist.

At the center of Senate Bill 524's unnecessary provisions, the Office of Election Crimes and Security (the Office) within the Department of State would house a trumped-up police force dedicated to pursuing voter fraud and other election crimes. Tasked with reviewing allegations and conducting preliminary investigations, the Office is unnecessary, duplicative and, combined with the police force, will cost Florida taxpayers about \$3.7 million.<sup>17</sup> The Office lacks guardrails which could lead to a politicization of election security at a time when distrust among voters in the system is at an all-time high. It allows the Office to initiate investigations and to investigate claims submitted by anyone, and there is nothing preventing the office from being used as a tool for political purposes and for targeting voter registration groups and local election officials.

Florida has not previously had an office dedicated to the enforcement of election laws; and for good reason—there wasn't any need. Election fraud is exceedingly rare. A *New York Times* investigation found no evidence

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<sup>15</sup> <https://www.splcenter.org/seeking-justice/case-docket/harriet-tubman-freedom-fighters-corp-et-al-v-laurel-lee-et-al>

<sup>16</sup> <https://www.splcenter.org/news/2022/04/01/federal-judge-overturns-florida-voting-requirement>

<sup>17</sup> Fredreka Schouten, "DeSantis signs bill creating new Florida election police force,"

<https://www.cnn.com/2022/04/25/politics/desantis-florida-election-bill-signing/index.html>, CNN Politics, April 25, 2022.

of substantial voter fraud in Florida.<sup>18</sup> A separate *Associated Press* analysis found fewer than 475 possible claims of fraud out of 25.5 million votes cast in six battleground states.<sup>19</sup> Florida's own Secretary of State reported receiving 262 fraud complaints in 2020, with just 75 of them referred to law enforcement.<sup>20</sup>

Senate Bill 524 also increases penalties from a misdemeanor to a felony for simply collecting and submitting more than two vote-by-mail ballots on behalf of others and increases the fines from \$1,000 to \$50,000 on organizations that violate voter registration laws. While the voter assistance and voter registration efforts of prominent, nationwide organizations are harmed by these provisions, many grassroots organizations, such as religious groups and school clubs, are increasingly deterred from voter registration efforts, for fear of doing something wrong.

According to the Fair Elections Center, data shows that formerly incarcerated people regaining their right to vote, young people, voters of colors, and people who need language assistance disproportionately rely on voter registration drives.<sup>21</sup> Laws prohibiting acquaintances from returning ballots on behalf of others could make it effectively illegal for voters with disabilities to cast a vote. For the second year in a row, with no substantiated evidence of widespread elections issues, Florida has chosen to undermine rather than uplift the electorate.

### **Florida is Not Alone: National Trends and the Resurgence of Voter Intimidation**

Unfortunately, Florida is not alone in filing restrictive voting legislation. The January 6 attack on the Capitol was a physical manifestation of an invisible thread of lies that has spent years weaving its way through our country, choking out the voting rights of people of color, elderly people and people with disabilities. Despite a lack of evidence, the conservative right has succeeded in spreading and repeating false information, including "the Big Lie" that the 2020 election was rigged and sparking a dangerous resurgence of violence reminiscent of the Reconstruction era.

According to a *New York Times* article, at least 357 sitting Republican legislators in contested battleground states have used the power of their office to discredit the recent elections.<sup>22</sup> Lies and disinformation have become so deeply rooted in the political landscape, new elections policies have become a free-for-all for fabricated fraud and feigned integrity. Over 440 bills with provisions that restrict voting access were introduced in 49 states during the 2021 legislative sessions. To date, at least 36 new voting restrictions have passed through 14 state legislatures since the beginning of 2022.<sup>23</sup>

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<sup>18</sup> Benjamin Rosenberg, "Report: Election officials find no evidence of widespread voter fraud," <https://www.vox.com/policy-and-politics/2020/11/11/21560269/election-virtually-no-evidence-voter-fraud-nyt>, Vox, Nov. 11, 2020.

<sup>19</sup> Christina A. Cassidy, "Far too little voter fraud to tip election to Trump, AP find," <https://apnews.com/article/voter-fraud-election-2020-joe-biden-donald-trump-7fcb6f134e528fee8237c7601db3328f>, AP News, December 14, 2021.

<https://apnews.com/article/voter-fraud-election-2020-joe-biden-donald-trump-7fcb6f134e528fee8237c7601db3328f>

<sup>20</sup> Florida Division of Elections, "Elections Integrity," <https://dos.myflorida.com/elections/integrity>.

<sup>21</sup> Fair Elections Center, "Florida's new election police unit is the scariest voter suppression effort yet,"

<https://www.fairelectionscenter.org/post/florida-s-new-election-police-unit-is-the-scariest-voter-suppression-effort-yet>, May 3, 2022 (originally reported by Fabiola Cineas, Vox, <https://www.vox.com/2022/5/3/23048665/florida-election-police-voting-rights>)

<sup>22</sup> "Nick Corasanti, et al., "How Trump's 2020 Election Lies Have Gripped State Legislatures,"

<https://www.nytimes.com/interactive/2022/05/22/us/politics/state-legislators-election-denial.html>, The New York Times, May 22, 2022.

<sup>23</sup> Brennan Center for Justice, "Voting Laws Roundup: December 2021," <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-december-2021>, January 12, 2022.

States have also made efforts to not certify elections and determine a new slate of electors. The U.S. Department of Justice has initiated an investigation into fake Electoral College certificates that were submitted as part of what some believe to be a plan to overthrow the 2020 election.<sup>24</sup>

The lie about voter fraud is not new. In 2010, former Kansas Secretary of State Kris Kobach claimed that dead and non-citizens cast ballots, leading many other states to pass voter ID laws that have been demonstrated to disproportionately disenfranchise Black, elderly, and rural voters. These laws undermine confidence and throw up unnecessary new hoops for voters to navigate just to exercise their freedom to vote.

Experts warn that these laws could have the effect of intimidating and deterring voters, election administration officials, and third-party organizations that help voters navigate elections.<sup>25</sup>

The writing is already on the wall.

Rapidly changing election laws have planted confusion in the minds of voters about new rules and inspired fear in local election workers and many grassroots organizations who want to avoid penalties. The November elections are yet to arrive, and states have already weaponized these laws to harass and intimidate voters.

In Florida, specifically, the elections police force established by Senate Bill 524 is a terrifying reminder of this country's history of using law enforcement to kill, threaten, and prevent people from voting. According to a representative from the Fair Elections Center, the phrase "election irregularities" used throughout the omnibus legislation is vague, undefined, and would seem to give the new police force and investigators a lot of leeway in terms of what they investigate.<sup>26</sup> Plus, the legislation does not include a mechanism for how the state plans to track potentially frivolous and politically motivated complaints.

Nearly two years after the Amendment 4 court battles, and still no statewide database for verifying financial obligations or a dedicated place to flag citizens who register or vote illegally, Florida has ramped up arrests of returning citizens that have been charged with committing voter fraud, some of whom mistakenly thought they could vote after the passage of Amendment 4. At least two people, one of whom is homeless, in Alachua County were registered to vote from inside the county jail during registration drives organized by Alachua County's Democratic elections supervisor in 2020, and subsequently arrested for election crimes for registering to vote. Surprised by their indictment, both men confessed they were told that an employee of the Supervisor of Elections Office was the target of the investigation.<sup>27</sup> Others have been charged with various election crimes related to an investigation by the State Attorney's Office for the Eighth Judicial Circuit that was prompted by a series of complaints filed by a Gainesville database researcher and programmer who says he found thousands of people across the state who registered or voted illegally.<sup>28</sup>

As the waters of intimidation rise, the battle for political power has also incited a political tug-of-war for local, state, and congressional seats. Political bodies across the country seek to drown out the minority vote through gerrymandered redistricting maps. In Florida, a congressional redistricting plan pushed through the Legislature by Governor DeSantis is now under challenge for eradicating a district long held by U.S. Rep. Al Lawson,

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<sup>24</sup> Luke Broadwater & Alan Feuer, "Jan. 6 Panel and State Officials Seek Answers on Fake Trump Electors," <https://www.nytimes.com/2022/01/21/us/politics/jan-6-fake-trump-electors.html>, The New York Times, January 21, 2022.

<sup>25</sup> Fair Elections Center, "Florida's new election police unit is the scariest voter suppression effort yet," <https://www.fairelectionscenter.org/post/florida-s-new-election-police-unit-is-the-scariest-voter-suppression-effort-yet>, May 3, 2022 (originally reported by Fabiola Cineas, Vox, <https://www.vox.com/2022/5/3/23048665/florida-election-police-voting-rights>)

<sup>26</sup> Id.

<sup>27</sup> Alan Festo, "Second person arrested in voter fraud investigation at Alachua County jail; bail set at \$75k," <https://www.gainesville.com/story/news/2022/05/03/2nd-man-arrested-states-alachua-county-voter-fraud-investigation/9626743002/>, The Gainesville Sun, May 3, 2022.

<sup>28</sup> Javon L. Harris, "Voting activists launch statewide election integrity campaign to help inmates charged," <https://www.gainesville.com/story/news/2022/05/05/florida-rights-restoration-coalition-fights-voting-rights/9664359002/>, The Gainesville Sun, May 5, 2022.

reducing the opportunity for Black voters in the Jacksonville area to elect a Black representative.<sup>29</sup> Any minor change to maps can decide the fate of the political agenda. While on appeal, the map has currently been reinstated by the appellate court.<sup>30</sup>

SPLC, along with other Florida organizations, is currently embroiled in a legal challenge to Jacksonville City Council's newly drawn redistricting maps, which could diminish Black voters' influence for the next decade in Duval County.<sup>31</sup> The action, filed in March 2022, is still in its early stages.

## **Policy Recommendations**

Our democracy is under threat. National and regional organizations, community activists and groups, and voters across the country must not be deterred by the onslaught of suppressive voting measures designed to dilute the voting strength of communities of color. Several policy recommendations can be offered to address this crisis while continuing to counter legislative proposals that make voting more difficult and costly.

### **Increase Funding for Election Administration**

States and local governments rely on two different types of Election Administration Commission (EAC) grants: HAVA Operational Grants, including Title II Section 251 Requirements Payments Grants and Section 101 grants for the improvement of election administration. It is necessary that Congress sufficiently funds the EAC and assists states, particularly given the rise in cybersecurity threats, recently passed legislation in some states that prohibits third-party funding to local elections offices, and the increasing interdependencies on funding and resources to effectively administer elections after Shelby v. Holder. President Biden's FY 2023 budget proposal requests \$10 billion over the next decade to improve the country's election administration and provide greater assistance to voters.

### **Increase DOJ resources to expand enforcement capacity**

The Department of Justice Voting Section is responsible for detecting, investigating, and pursuing violations of federal civil and criminal laws related to voting. President Biden's FY 2023 budget proposal requests \$215.2 million for the Civil Rights Division to expand its efforts to deter and prosecute hate crimes; safeguard fair elections; and combat discrimination. Since Shelby v. Holder, the responsibility of ensuring the tenets of the Voting Rights Act of 1965 has waned without the guarantees of Section 5. Congress must adequately fund DOJ and expand DOJ's enforcement capacity within the Voting Section with an increase in full-time employees to perform duties, and continue enforcement and authority not affected by the Shelby decision, thereby ensuring that all eligible voters can cast a vote and have their vote counted, and voters have access to accurate information.

### **Support nonpartisan federal voting legislation that protects all citizens**

The Electoral Count Act would resolve ambiguity around the certification process for Electoral College votes submitted by the states, but it falls far short of ensuring everyone has equal access to the ballot and can exercise their right to vote. Congress must pass federal voting legislation that protects the rights of citizens to make their voices heard in elections across the country, in every state, and for every level of office. To defend

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<sup>29</sup> CBS Miami, "Florida Takes Aim At Redistricting Ruling," <https://miami.cbslocal.com/2022/05/18/florida-takes-aim-at-redistricting-ruling/>, May 18, 2022; John Kennedy, "Judge spikes DeSantis's Florida redistricting map that axed minority district as candidate deadline nears," <https://www.msn.com/en-us/news/us/judge-spikes-desantiss-florida-redistricting-map-that-axed-minority-district-as-candidate-deadline-nears/ar-AAxadoU?ocid=uxbndlbing>, USA Today, May 11, 2022.

<sup>30</sup> The Associated Press, "Florida appeals court reinstates redistricting map," <https://www.mysuncoast.com/2022/05/20/florida-appeals-court-reinstates-redistricting-map/>, May 20, 2022.

<sup>31</sup> Jacksonville Branch of the NAACP, et al. v. City of Jacksonville, et al., Case No: , <https://www.splcenter.org/presscenter/civil-rights-groups-and-local-activists-file-lawsuit-challenging-jacksonville-city>

our democracy and realize the promise of democracy for all, we need to establish robust standards ensuring every American can exercise their right to vote, and we need to restore the coverage formula and preclearance components of the 1965 Voting Rights Act.

## **Conclusion**

Voting is not a privilege but a right that is essential for a healthy, well-functioning democracy. Anti-voter reforms are blatantly deconstructing voter protections across the country at a rate not seen since the days of Jim Crow. Restrictive laws have infiltrated election administration policies, veering sharply away from what should be convenient access to the ballot. The right to democracy in Florida is clouded by expensive, time-consuming, and unnecessary hurdles to successful citizens' initiatives like Amendment 4 that seek to amplify the will of the people, long since ignored by those in political power. Redistricting maps that dilute minority voting powers are already in place throughout the state and across the country. Many local governments are following their state's lead in promoting voting practices that disproportionately affect people of color: removing bipartisan election boards, changing the composition of local lawmaking bodies to advantage a particular party, no-excuse removal of "certain" elections board members, and closing and consolidating polling locations in predominately communities of color communities.

A lack of federal action is compounded by untruths, making communities much more vulnerable to voting barriers. The Internet is a petri dish for deception, and extremist groups, conspiracy theorists, and even elected officials are committed to dismantling trust in democracy and faith in our elections process, contaminating the homes of over 70% of Americans that utilize social media and multiplying the lies by the thousands. Without a fierce defense of greater voting rights protection, the infection of disinformation, hate and vitriol will continue to fester.

As we forge ahead towards the November elections, tainted by the resignation of the state's highest election official, Secretary of State Laurel Lee, and Governor DeSantis's controversial pick for her replacement, it is imperative that the federal government act now to protect the dilution, discrimination, and disenfranchisement of vulnerable populations in Florida.