## News Articles

### League of Women Voters of Florida v. Browning

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A New Election Lawsuit in Florida
The League of Women Voters claims a new state law will unlawfully depress voter registration
By SIOBHAN MORRISEY/MIAMI

The League of Women Voters has been signing up voters ever since women won the right to vote in 1920. But now, for the first time in the League's storied history, a branch of the organization has shut down its operations to protest a new Florida law that the League claims will have a chilling effect on voter registration — in a state that already has one of the nation's most notoriously dysfunctional election systems.

In a federal lawsuit filed in Miami on Thursday against the Florida Secretary of State and Division of Elections, the League's Florida branch acknowledged that it had recently ceased efforts to register voters because of what it calls the law's draconian fines against organizations (other than political parties) for submitting forms late. The League of Women Voters of Florida joined several other public interest and labor groups, including the Florida AFL-CIO, in challenging the constitutionality of the law, which went into effect Jan. 1. They are asking the U.S. District Court to immediately suspend the fines — which the groups say could bankrupt their voter registration budgets.

As the lawsuit puts it, "the challenged law imposes civil fines of $250 for each voter registration application submitted more than 10 days after it is collected, $500 for each application submitted after any voter registration deadline, and $5,000 for each application [that for whatever reason doesn't end up being] submitted. Plaintiffs are strictly liable for these fines, even if their inability to meet the statutory deadlines results from events beyond their control, such as the destruction of applications in a hurricane."

On March 19 the board of directors for LWV of Florida voted unanimously to suspend voter registration rather than put its volunteers and $80,000 annual budget at risk, says its president, Dianne Wheatley-Giliotti. "I'm angry, okay?" Wheatley-Giliotti says. "This hits at the core of our mission. We were founded to educate voters and get them involved in the political process. I can't do my job, really."

Florida is the only state that levies fines for submitting registration applications late or not at all, says Wendy Weiser of the Brennan Center for Justice at the NYU School of Law, who also represents the plaintiffs. And the LWV of Florida claims the impact of the fines could be devastating. "The League of Women Voters' entire annual budget of $80,000 would be...

http://www.time.com/time/nation/printout/0,8816,1195517,00.html

5/30/2006
decimated if only sixteen voter registration applications collected by its
volunteers were lost in a flood, or if its volunteers took 11 days to submit
the few hundred applications they often collect during one day's work," according to the lawsuit.

Contacted shortly after the filing in Miami, Susan Smith, spokeswoman for
the Florida Department of State in Tallahassee said the agency had not yet
seen the lawsuit and therefore could not comment. Other voter registration
advocates say they also fear that one of the underlying political intents of
the law — which was passed by the Republican-majority Florida
Legislature — is to dilute and discourage Democratic voter registration,
since groups like the AFL-CIO are thought to register more working-class
and minority voters.

Sen. Bill Posey, a Rockledge Republican, argues that hurricanes or other
disasters are not the issue; by imposing the fine for failing to submit a
voter's application, he maintains, the law discourages people or groups
from destroying the registration forms of people with differing political
views. (Weiser points out that Florida already had a law on the books to
address that problem.) And if a hurricane hits, any fine due to delay or
destruction can be appealed, he says. "If a hurricane blew a building away,
I can't imagine they're going to get somebody for that," Posey says. "I think
common sense would prevail. If there is a nuclear holocaust I think the last
thing people are going to be worried about is getting their registrations in
on time."

State Rep. Ron Reagan (no relation to the former President), a Sarasota
Republican who sponsored the law, says political parties are exempt from
the law "because we rarely have a problem with political parties. It didn't
matter what side you were on. We were not going to penalize them." But
Weiser of the Brennan Center calls that position "discriminatory. The
League of Women Voters and AFL-CIO have been forced to shut down
their operations. It's not only burdensome but discriminatory. That's
problematic — and unconstitutional."
Vote-registration groups sue Florida over law

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Reuters

May 18, 2006 — By Jim Loney

MIAMI (Reuters) - A Florida law that fines civic groups conducting voter registration drives violates free speech rights, harms low-income and minority citizens and should be struck down, a lawsuit filed on Thursday said.

The 2005 law has forced the League of Women Voters of Florida and other groups to shut down nonpartisan voter registration activities, while allowing political parties to continue, the suit, filed in U.S. District Court, claims.

"This has completely shut down voter registration groups. These groups helped over half a million Florida citizens register in 2004," Wendy Weiser, of the Brennan Center for Justice at the New York University School of Law, said.

"This law is really imposing serious injury," said Weiser, who represents the main plaintiffs.

Registration drives would be moving into high gear in the next few weeks in preparation for Congressional and other elections in the autumn. The suit seeks an immediate injunction to stop Florida from enforcing the law.

There was no immediate comment on the suit from Florida officials.
Florida and other states tightened election laws following the chaotic 2000 presidential election, in which the U.S. Supreme Court ruled that George W. Bush won Florida, and the U.S. presidency, after five weeks of court battles.

The voter registration measure was one of a series of reforms signed by the president's younger brother, Florida Gov. Jeb Bush.

It imposes a fine of $5,000 for each voter registration application a group fails to submit, and smaller fines for missing registration deadlines, even due to events beyond a group's control, such as hurricanes, the suit said.

The League of Women Voters' entire annual budget of $80,000 "could be decimated if only sixteen voter registration applications collected by its volunteers were lost in a flood...," the lawsuit said.

The law violates U.S. free speech rights and disproportionately discriminates against low-income, minority, disabled and "other marginalized citizens in Florida who rely on plaintiffs and similar groups to help them overcome barriers to registering to vote," it added.

Continued
Vote-registration groups sue Florida over law

By Jim Loney
Reuters
Thursday, May 18, 2006; 5:44 PM

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The law violates U.S. free speech rights and disproportionately discriminates against low-income, minority, disabled and "other marginalized citizens in Florida who rely on plaintiffs and similar groups to help them overcome barriers to registering to vote," it added.

Nonpartisan groups are no more likely than political parties to mishandle voter registration applications or file them late, the lawsuit said.

In addition to the League of Women Voters of Florida, plaintiffs include People Acting For Community Together (PACT), the Florida AFL-CIO, the American Federation of State, County and Municipal Employees, and other groups.

Florida Secretary of State Sue Cobb and Dawn Roberts, director of the elections department were named as defendants.
Grassroots groups, unions challenge Fla voter registration law

CURT ANDERSON
Associated Press

MIAMI - A coalition of grassroots organizations and labor unions sued in federal court Thursday to challenge a new Florida law they contend could shut down voter registration efforts by imposing stiff penalties when deadlines are missed to submit the forms.

The law in question, which took effect Jan. 1, imposes fines that begin a $250 for each voter registration form submitted more than 10 days after it is collected from a person. The fines can reach $5,000 for forms that are never submitted. No excuses are permitted.

"Not one delay, not one mistake is acceptable," said Wendy Weiser, deputy director of the Democracy Program at New York University law school's Brennan Center for Justice, which is representing the registration groups. "It's just too risky and too chilling."

The suit contends that violates the Constitution's free speech protections by deterring voter registration drives, which could suppress political speech for thousands of people - especially the poor, elderly, minority groups, rural residents and the disabled.

"They will seriously suffer from the loss of these voter registration activities," Weiser said.

Florida election law has undergone intense scrutiny and change since the 2000 presidential election, when it took several recounts and five weeks of legal warfare before George W. Bush was declared president by a 537-vote edge.

In the 2004 elections, Republican Party officials complained of possible fraud in voter registration, including voting by convicted felons whose rights had not been restored by a state Clemency Board.

The new registration law's impact could be devastating on the budget of a grassroots voter registration organization, said League of Women Voters of Florida President Dianne Wheatley-Giliotti. The league's entire operating budget is about $80,000, or about 16 lost registration forms.

The league's board voted recently to suspend all voter registration, which it has
Grassroots groups, unions challenge Fla voter registration law

conducted in Florida since 1939.

"We're not seeking special assistance, only asking that the government get out of our way and let the league and other civic organizations continue to help each voter exercise the most basic civil right," Wheatley-Giliotti said.

The lawsuit also claims the law violates the Constitution's equal protection clause by exempting political parties from the fines.

Other plaintiffs in the lawsuit are local units of the American Federation of State, County and Municipal Employees, the Service Employees International Union and People Acting for Community Together, a Miami-based coalition of community organizations, schools, churches and synagogues.

Officials at the Florida State Department, which administers election law, said they could not comment on the lawsuit because they had not reviewed it.

Attorneys involved in the lawsuit say Florida's law imposing fines is the toughest of several affecting voter registration drives that have recently taken effect in Colorado, Ohio, Maryland and New Mexico. Maryland, for example, now requires that a person who is a "voter registration volunteer" must receive certain training and sign a state affidavit.
League of Women Voters sues over new Florida law on voter registration

By Sean Gardiner
South Florida Sun-Sentinel
Posted May 19 2006

For the first time in 67 years, members of the League of Women Voters of Florida have stopped going door to door registering future voters. It has become too risky, they say.

It's not criminals they're afraid of, it's a new law that "imposes potentially ruinous fines and burdensome requirements on all organizations registering voters," according to a lawsuit filed in Miami federal court Thursday on behalf of a coalition of civic, public interest and labor groups.

A Florida law that took effect Jan. 1 imposes fines of $250 -- on both organization and volunteer -- for each voter registration application submitted more than 10 days after it's collected, $500 for each application submitted after the voter registration deadline and $5,000 per application if it's not submitted at all.

Proposed as a measure to combat voting fraud, what it's really doing is derailing civic-minded, nonpartisan groups like the League, said Dianne Wheatley-Giliotti, the group's president.

"Basically, it constricts our ability to carry out our core mission to educate voters and get them involved in the political process," she said.

http://www.sun-sentinel.com/news/local/broward/sfl-cvote19may19,0,6535495.story?coll=sfla-news-br...
With an $80,000 budget, 16 lost or misplaced voter registration forms, theoretically, could bankrupt the League of Women Voters of Florida. It could also open up its volunteers to a financial risk many couldn't afford. So on March 19, Wheatley-Giliotti suspended her group's voter registration efforts.

Susan Smith, spokeswoman for Florida Secretary of State Sue Cobb, who is named as the lead defendant in the lawsuit, would not comment because she said she hasn't seen the lawsuit yet.

In a state with a history of election controversies, including the 2000 presidential recount, this law is another curiosity, lawyers opposed to it say.

For example, political parties are exempt, said Gary Rosen, an attorney working on the case.

Laws cover voter fraud. The fines and the 10-day turn-in deadline are new.

"There's absolutely no rational justification for the law that we've been able to discern," Rosen said.

Sean Gardiner can be reached at stgardiner@sun-sentinel.com or 954-356-4514.
Voter drive law prompts suit

Several statewide groups, including the League of Women Voters, have filed suit charging that a state law violates their constitutional right to register voters.

BY JAY WEAVER
jweaver@MiamiHerald.com

The League of Women Voters and other nonpartisan groups have stopped or scaled back voter registration activities in Florida because they claim a new state law imposes heavy financial penalties for violations.

The fines range from $250 to $500 for failing to submit completed voter registration forms in a timely fashion to election officials.

The women's group and other nonprofit groups sued Florida's secretary of state and elections division chief in federal court in Miami on Thursday.

The state statute does not apply to any registered political parties in Florida -- including the Surfers Party of America, based in Burlington, Vt.

Fort Lauderdale lawyer Gary Rosen, who filed suit with a New York-based nonprofit law center, said punishing good civic deeds seems like a "wrongheaded legislative agenda."

The suit, which seeks to have a federal judge declare the law unconstitutional, claims its potential impact is "staggering," noting that nonpartisan groups generated nearly half the newly registered voters in the 2004 presidential election.

A spokesperson for Secretary of State Sue Cobb and elections division Director Dawn Roberts declined to comment because they had not seen the suit.

The obscure voter registration provision was buried in a broader election law amendment passed by the GOP-controlled state Legislature last year that dealt with absentee ballots, vote fraud and other high-profile issues.

State officials pushed for it following allegations that certain groups, such as the Association of Community Organizations for Reform Now, purposely held back voter
The allegations were never proved, but state lawmakers also cited instances of Democratic- and Republican-leaning groups refusing to turn in applications because of the party affiliation listed on the form by the voter.

The Florida law, similar to legislation in a handful of other states, applies to all persons or organizations that engage in voter registration — except for political parties, state motor vehicle offices and individuals who seek to register immediate family members.

The state can impose fines on individuals, registered agents or board members of any nonpartisan voter registration group. The law imposes civil fines of $250 for each voter registration application submitted to election officials more than 10 days after it is collected; $500 for each form delivered after any voter registration deadline; and $5,000 for each application not submitted.

It's unclear how election officials statewide would enforce the law, especially in those cases where a group failed to turn in an application.

"Our lawsuit is designed to remove restrictions that clearly and obviously result from the impact of this legislation," said Rosen of the Fort Lauderdale law firm Becker & Poliakoff, which is working on the suit pro bono with the New York-based Brennan Center for Justice.

Generally, the complaint claims the state law violates the nonpartisan groups' constitutional rights to free speech, free association and equal protection by restricting their ability to conduct voter registration drives.

"Individuals and groups with low incomes and modest budgets simply cannot afford the potentially bankrupting costs of engaging in such political speech and association," the suit says.

The suit was filed on behalf of the League of Women Voters of Florida; People Acting for Community Together, a Miami-Dade community organization; the Florida AFL-CIO; the American Federation of State, County and Municipal Employees, Council 79; and SEIU Florida Healthcare Union.

Miami Herald staff writer Gary Fineout contributed to this report.
Florida Voter Registration Law Challenged As Unconstitutional

MIAMI---A new Florida law that imposes crippling fines on voter registration groups is being challenged in a lawsuit filed in federal court. The plaintiffs, civic organizations and voting rights groups that have been working in Florida through many election cycles without government interference, say that the law has shut down or dramatically curtailed their efforts to help eligible voters get on the rolls.

In filing the lawsuit on behalf of the League of Women Voters of Florida, Miami-based People Acting for Community Together (PACT) and other public interest and labor groups, attorneys at the Brennan Center for Justice at NYU School of Law and the Advancement Project, voting rights advocates representing the plaintiffs along with pro bono counsel, have asked the U.S. District Court in Miami to immediately suspend the fines imposed under the challenged law (Fla. Laws 2005-277, Secs. 2 and 7), which went into effect on Jan. 1.

"I'm not sure what our representatives in Tallahassee were thinking when they voted for this law," said Dianne Wheatley-Giliotti, president of the League of Women Voters of Florida. The Florida League, a plaintiff in the suit, is a nonpartisan, largely volunteer organization that has been helping to register Florida voters since 1939. By a unanimous vote of its Board, the Florida League for the first time has suspended all voter registration operations with its 27 local Leagues across Florida.

"In Iraq, the U.S. Army spent six weeks helping citizens register to vote. We're not seeking special assistance, only asking that the government get out of our way, and let the League and other civic organizations continue to help each voter exercise the most basic civil right," Wheatley-Giliotti said. "We've been dedicated to this work for 67 years, and we don't want to stop now."
The challenged law creates a punishing and complicated tiered regime of deadlines and fines. For each and every voter registration form submitted more than ten days after the form was collected from a prospective voter, the government will impose a fine of $250, while for each registration form submitted after the passing of a registration deadline, the fine is $500. If a registration form is not submitted, for any reason, the fine per form jumps to $5,000. Most chilling to plaintiffs' activities is the law's adoption of a "strict liability" legal standard, meaning that no extenuating circumstance -- not even destruction of an office by a hurricane -- will excuse the failure to submit a registration form. Plaintiffs say the impact of multiple fines would devastate the budgets of many non-partisan voter registration groups. For example, the entire annual budget for the Florida League of Women Voters is $80,000, or the equivalent of just 16 lost registration forms. At the same time, virtually everyone associated with an organization -- from a volunteer canvasser to the organization's Board chair -- can be held personally responsible for paying the fines.

"There's no mistaking the impact of these fines," said Wendy Weiser, co-counsel for the plaintiffs and deputy director of the Democracy Program at the Brennan Center for Justice at NYU School of Law. "Anyone who is a leader of an organization has good reason to be scared of the consequences of authorizing a voter registration drive in Florida today."

"What the State has done is radically raise the cost of doing business for voter registration groups," said Mrs. Wheatley-Giliotti of the Florida League. "In effect, this is a tax on democracy and a tax on democratic participation that makes voter registration work prohibitively expensive for many of the state's leading civic organizations."

"The specific targeting of non-partisan voter registration groups with these onerous fines gives another 'black eye' to Florida, a state already plagued in recent years with a less-than-pristine track record on voter registration and election issues," said Gary Rosen, pro bono co-counsel and a shareholder at Ft. Lauderdale law firm Becker & Poliakoff.

The complaint explains that another constitutional failing of the challenged law is its unequal treatment of political parties and non-partisan groups. The law exempts political parties from the fines to be assessed against non-partisan organizations. Plaintiffs claim there is no evidence whatsoever in the legislative record to suggest that late or lost voter registration forms have been more prevalent among Florida's non-partisan groups than among Florida's political parties - in fact, they say, there is no evidence in the record of any serious problem of late or lost voter registration forms.

"These fines will quickly erase from the state some of the most basic sights of American democracy: the non-partisan voter registration table at the mall
Florida Voter Registration Law Challenged As Unconstitutional

or bus stop; the unaffiliated registration advocate at a school or workplace; and the encouragement to participate in elections often found in churches and synagogues," said Elizabeth S. Westfall of the Advancement Project, co-counsel for the plaintiffs. Joining the Florida League of Women Voters in completely suspending Florida voter registration efforts in the face of the new law are PACT and the AFL-CIO, while the American Federation of State, County and Municipal Employees, Council 79 (AFSCME) has substantially scaled back its voter registration activity.

Should plaintiffs succeed in their lawsuit and the federal court agree that the First Amendment protects voter registration activities from the fines and other burdens Florida has established, the legal outcome will help to head off comparable voter-suppression statutes in other states, such as Ohio, New Mexico, and Colorado.

"More that 50 million Americans are not registered to vote," said Craig L. Siegel of Kramer Levin Naftalis & Frankel LLP, pro bono co-counsel for plaintiffs. Florida and other states should applaud civic groups like the League of Women Voters - not penalize them - for tirelessly working to strengthen our democracy."

Plaintiffs joining the suit include: League of Women Voters of Florida; People Acting for Community Together (PACT), a coalition of community organizations, churches, synagogues and schools based in Miami-Dade County; American Federation of State, County and Municipal Employees, Council 79 (AFSCME); Service Employees International Union, Florida Healthcare Union (SEIU-FHU); Marilyn Wills, president of the Tallahassee League of Women Voters; and unnamed individuals who are eligible to and want to vote this year but will be denied by the challenged law.

Plaintiffs are represented by the Brennan Center for Justice at NYU School of Law and the Advancement Project, and by pro bono counsel Kramer Levin Naftalis & Frankel LLP, and Becker & Poliakoff, P.A. 5-18-06
TALLAHASSEE -- Public-interest and labor groups sued Florida elections officials Thursday seeking to overturn a new law that imposes heavy fines for delays in submitting voter-registration forms to county officials.

Dianne Wheatley-Giliotti, president of the League of Women Voters of Florida, said her organization is among several that have suspended or scaled back get-out-the-vote efforts in light of the measure, approved by the state Legislature last year and on the books since January.

"We just felt that with the risk of these fines, we just could not be liable for any delay in turning in voter-registration forms," Wheatley-Giliotti said.

Florida law now requires that voter-registration forms be submitted no more than 10 days after the application was collected from a prospective voter. Organizations that miss the 10-day deadline face $250 fines, while failing to meet the state registration deadline bumps the fine up to $500.

Florida's political parties are exempt from the provision, leaving only voter-outreach organizations subject to the penalties.

In addition to fines for delays, failure to submit a completed form raises the fine to $5,000 for organizations. Wheatley-Giliotti said she feared the league's entire $80,000 annual budget could be wiped out if 16 registration forms were lost, although the nonpartisan organization has never had a problem with submitting voter forms.

State elections officials said they had not seen the lawsuit and would not comment on it.

Compiled from staff reports

Voter groups sue state over tardiness law

They say the measure, passed last year, imposes "potentially ruinous fines" if voter registration forms are turned in late.

By STEVE BOUSQUET, Times Staff Writer
Published May 19, 2006

TALLAHASSEE - The League of Women Voters and four other groups sued the state of Florida on Thursday, seeking to overturn a new law that imposes steep fines on organizations that miss deadlines for registering voters.

The lawsuit takes aim at an election law passed by the Legislature last year and signed by Gov. Jeb Bush that imposes regulations on third-party groups that sign up voters. Attorneys who filed the suit call it the toughest law of its kind in the country.

The law, which took effect in January, includes a minimum fine of $250 for each voter form turned in more than 10 days after it is collected. The maximum fine is $5,000 for each time a group fails to submit a completed voter registration form to an elections office.

With a shoestring annual budget of about $80,000, the League of Women Voters said it shut down its voter registration efforts in March because of concerns that a big fine could wipe out its operating funds.

The programs the league curtailed included those targeting newly eligible 18-year-old high school students.

"We were devastated," said Dianne Wheatley-Giliotti of Dunedin, president of the league. "We feel it constricts us in conducting our core mission, which is 86 years old, and that is to facilitate the registration of voters."
State: Voter groups sue state over tardiness law

The law was sponsored by Rep. Ron Reagan, a Republican from Bradenton who is chairman of the House Ethics and Elections Committee.

Reagan recalled Thursday that as the bill was being debated a year ago, he heard testimony about third-party groups that did not submit voter forms on a timely basis and cases in which people who filled out forms were already registered to vote.

"The penalties were put in there to say if you didn't do the job right, you were going to pay the price," Reagan said. "We weren't targeting anybody in particular."

Reagan said he was confident the law would survive a constitutional challenge.

Besides the nonpartisan League of Women Voters, the other groups filing suit include the Florida AFL-CIO, the AFSCME public employees union, the SEIU service workers union and a Miami-based grass roots organization, People Acting for Community Together.

They say the law, with its "potentially ruinous fines," violates the U.S. Constitution's free speech provisions by deterring voter registration efforts, and that the law especially harms low-income, minority, disabled "and other marginalized citizens" who need help overcoming barriers to vote.

The groups are represented by the Fort Lauderdale law firm Becker & Poliakoff and the Democracy Program at New York University law school's Brennan Center for Justice.

Wendy Weiser, deputy director of the Brennan Center, said the law discriminates against third-party groups because political parties are exempt from the fines.

"There was nothing that would justify setting arbitrary time deadlines and strict fines," Weiser said. "The only effect is to shut down voter registration groups."

Reagan said political parties, which also engage in voter registration drives, were exempt from the fines and deadlines because "the parties do it right."

The bill passed the House, 82-36, with every Republican present voting in favor and all 36 Democrats voting against. The Senate vote was 29-9.

Susan Smith, a spokeswoman for the Department of State, said the agency had not seen the lawsuit. The department administers Florida's election laws.

The suit was filed in federal court in Miami and assigned to U.S. District Judge Adalberto Jordan, 45, who was nominated to the federal bench by President Clinton in 1999.

http://www.sptimes.com/2006/05/19/State/Voter_groups_sue_stat.shtml
State: Voter groups sue state over tardiness law

Steve Bousquet can be reached at bousquet@sptimes.com or 850 224-7263.

[Last modified May 19, 2006, 08:41:39]
The Florida League of Women Voters has faithfully helped register voters for 67 years, but Republican lawmakers now have put them out of business. Chalk it up to last years election reform law, and call it a political disgrace.

The league and four other groups that hold voter registration drives have asked a federal judge to intervene, and this should be an easy constitutional call. Florida ranks 39th in the percentage of voting-age residents who are registered, and any attempt to frustrate genuine, nonpartisan, volunteer efforts to improve that rate is offensive.

The reform is ostensibly aimed at protecting people whose voter registration forms could get lost or mishandled by such groups, but the penalties and personal liability are so onerous they will keep volunteers from trying. Turn in a form 11 days after a prospective voter filled it out and pay $250. Turn it in after the registration deadline and pay $500. Lose the form and pay $5,000. Lost or delayed by a hurricane? Doesn't matter. The organization can't pay? Then the individual volunteers are on the hook.

The league, which operates on an annual budget of only $80,000, voted in March to suspend any further voter registration efforts. After all, 16 lost forms would put them out of business. Said league president Dianne Wheatley-Giliotti: We were devastated.

In 2004, elections supervisors did face a crunch as various groups, including MoveOn.org, submitted registration forms at the last minute. But the lawsuit alleges that private groups did no worse than the political parties in that regard, including one box from the state Republican Party that showed up 18 days after the deadline. So why does the law exempt the parties?

The potential for partisan gain here is obvious: Republicans like the fact that Democrats do a poor job of voter outreach and don't like the involvement of groups like MoveOn.org or the AFL-CIO. But the law is objectionable even if the political motives behind it were pure. Deliberate destruction of voter forms is already a crime, which means the new law mainly inhibits sincere, community-minded voter outreach.

As this election season gets under way, the court is being asked to let the League of Women Voters get back to work, and lawmakers need to declare their intentions. Any state official who would fight to keep the league on the sidelines is aiming to do the same with potential voters.

LOAD-DATE: May 24, 2006
Block the Vote

Published: May 30, 2006

In a country that spends so much time extolling the glories of democracy, it's amazing how many elected officials go out of their way to discourage voting. States are adopting rules that make it hard, and financially perilous, for nonpartisan groups to register new voters. They have adopted new rules for maintaining voter rolls that are likely to throw off many eligible voters, and they are imposing unnecessarily tough ID requirements.

Florida recently reached a new low when it actually bullied the League of Women Voters into stopping its voter registration efforts in the state. The Legislature did this by adopting a law that seems intended to scare away anyone who wants to run a voter registration drive. Since registration drives are particularly important for bringing poor people, minority groups and less educated voters into the process, the law appears to be designed to keep such people from voting.

It imposes fines of $250 for every voter registration form that a group files more than 10 days after it is collected, and $5,000 for every form that is not submitted — even if it is because of events beyond anyone's control, like a hurricane. The Florida League of Women Voters, which is suing to block the new rules, has decided it cannot afford to keep registering new voters in the state as it has done for 67 years. If a volunteer lost just 16 forms in a flood, or handed in a stack of forms a day late, the group's entire annual budget could be put at risk.

In Washington, a new law prevents people from voting if the secretary of state fails to match the information on their registration form with government databases. There are many reasons that names, Social Security numbers and other data may not match, including typing mistakes. The state is supposed to contact people whose data does not match, but the process is too tilted against voters.

Congress is considering a terrible voter ID requirement as part of the immigration reform bill. Senator Mitch McConnell, Republican of Kentucky, introduced an amendment to require all voters to present a federally mandated photo ID. Even people who have been voting for years would need to get a new ID to vote in 2008. Millions of people without drivers' licenses, including many elderly people and city residents, might fail to do so, and
be ineligible to vote. The amendment has been blocked so far, but voting-rights advocates worry that it could reappear.

These three techniques — discouraging registration drives, purging eligible voters and imposing unreasonable ID requirements — keep showing up. Colorado recently imposed criminal penalties on volunteers who slip up in registration drives. Georgia, one of several states to adopt harsh new voter ID laws, had its law struck down by a federal court.

Protecting the integrity of voting is important, but many of these rules seem motivated by a partisan desire to suppress the vote, and particular kinds of voters, rather than to make sure that those who are entitled to vote — and only those who are entitled — do so. The right to vote is fundamental, and Congress and state legislatures should not pass laws that put an unnecessary burden on it. If they do, courts should strike them down.
EDITORIAL: Voter registration drives targeted: OUR OPINION: REPEAL ONEROUS RULES PUNISHING NONPARTISAN GROUPS

BYLINE: The Miami Herald

BODY:

Jun. 5--Filing a lawsuit is usually not the optimal remedy to a problem, but the League of Women Voters of Florida was right to challenge the constitutionality of a truly objectionable provision in an election law approved by the Legislature in 2005.

The provision may have been adopted with good intentions, but it is devastating to organizations that conduct voter-registration drives in the state. It adds yet another blemish to Florida's tarnished reputation when it comes to running free and fair elections. The Legislature should spare the court the time and money of the lawsuit and, most important, protect Florida's new voters by removing this onerous provision.

Enforcement mystery

The new rule imposes heavy financial penalties on all individuals and organizations -- with the exception of political parties -- that miss the deadline for submitting new voter registrations to election officials. The penalties: $250 fine for each voter registration application submitted more than 10 days after it is collected; $500 for each form delivered after any voter registration deadline; and $5,000 for each application not submitted. How an election supervisor could determine when an application isn't submitted is a mystery.

The Legislature inserted this provision into election legislation after allegations circulated that some groups purposely had held back voter-registration applications supposedly because the new voter had registered with the "wrong" political party. There also was concern that partisan groups had suppressed registrations for the same reason. None of this was proved, but that didn't stop lawmakers from adopting the new rules -- for all but political parties.

Capricious, arbitrary

As a result, the state League of Women Voters in March reluctantly suspended voter-registration drives -- its primary function -- for fear that a late submission or other unintentional violation could bring fines that would decimate its $80,000 annual budget. Along with a handful of unions and other groups that do registration drives, the League filed suit in federal court last month. The groups claim that the law violates their constitutional right to free speech, free association and equal protection by limiting their ability to conduct registration drives. The suit points out that the law targets nonpartisan groups but not political parties.

The author of the provision, state Rep. Ron Reagan, R-Bradenton, defends it. He told The St. Petersburg Times that political parties aren't subject to the law because "the parties do it right." So this means that any party registered in the
EDITORIAL: Voter registration drives targeted: OUR OPINION: REPEAL ONERO

state of Florida -- including the Surfers Party of Vermont -- is immune if they suppress registrations or turn them in late. The law is capricious and arbitrary and needs to be repealed.

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LOAD-DATE: June 5, 2006
If there was ever a sign of a ruling party in trouble, it is a game plan that calls for trying to win by discouraging voting.

The latest sign that Republicans have an election-year strategy to shut down voter registration drives comes from Ohio. As the state gears up for a very competitive election season this fall, its secretary of state, J. Kenneth Blackwell, has put in place “emergency” regulations that could hit voter registration workers with criminal penalties for perfectly legitimate registration practices. The rules are so draconian they could shut down registration drives in Ohio.

Mr. Blackwell, who also happens to be the Republican candidate for governor this year, has a history of this sort of behavior. In 2004, he instructed county boards of elections to reject any registrations on paper of less than 80-pound stock — about the thickness of a postcard. His order was almost certainly illegal, and he retracted it after he came under intense criticism. It was, however, in place long enough to get some registrations tossed out.

This year, Mr. Blackwell’s office has issued rules and materials that appear to require that paid registration workers, and perhaps even volunteers, personally take the forms they collect to an election office. Organizations that run registration drives generally have the people who register voters bring the forms back to supervisors, who can then review them for errors. Under Mr. Blackwell’s edict, everyone involved could be committing a crime. Mr. Blackwell’s rules also appear to prohibit people who register voters from sending the forms in by mail. That rule itself may violate federal elections law.

Mr. Blackwell’s rules are interpretations of a law the Republican-controlled Ohio Legislature passed recently. Another of the nation’s most famous swing states, Florida, has been the scene of similar consternation and confusion since it recently enacted a law that is so harsh that the Florida League of Women Voters announced that it was stopping all voter registration efforts for the first time in 67 years.

Florida’s Legislature, like Ohio’s, is controlled by Republicans. Throughout American history both parties have shown a willingness to try to use election law to get results they might otherwise not win at the polls. But right now it is clearly the Republicans who believe...
they have an interest in keeping the voter base small. Mr. Blackwell and other politicians who insist on making it harder to vote never say, of course, that they are worried that get-out-the-vote drives will bring too many poor and minority voters into the system. They say that they want to reduce fraud. However, there is virtually no evidence that registration drives are leading to fraud at the polls.

But there is one clear way that Ohio's election system is corrupt. Decisions about who can vote are being made by a candidate for governor. Mr. Blackwell should hand over responsibility for elections to a decision maker whose only loyalty is to the voters and the law.

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The state political party conventions are over, the nominated candidates have given their speeches, and the balloons have fallen. Over the next several months the candidates will campaign and debate the important issues in this November's election.

Hopefully the public will become engaged in this election to elect a U.S. senator, a governor, an attorney general and all 212 state legislators. Voters would then go to the polls en masse and vote for the candidates of their choice. Wouldn't it be wonderful if 75 percent or 85 percent of registered voters turned out to vote?

This year, however, whether citizens will be able to register to vote in many states is under assault. There is a very dangerous effort across this nation to restrict the ability of nonpartisan organizations like the League of Women Voters to register voters.

In Florida, the League has stopped registering voters because the state has passed a law that would impose serious financial penalties - $250 for every voter registration form not turned in within 10 days after it is collected, never mind hurricanes and floods. The law would also impose a $5,000 fine for any form destroyed in those possible hurricanes or floods. The Florida League is now suing to block that law.

In Colorado, there are criminal penalties for a volunteer who slips up on a registration drive. Leagues nationwide have been registering voters for 67 years with few problems, but that may now be over.

In Washington, new state regulations dictate that there be an exact match between information on the voter registration form and government databases such as the always reliable Social Security Administration. If there is no match you would not be eligible to vote.

Perhaps the most serious threat to registering and voting is a proposed amendment by Congress to the immigration bill mandating that every voter show a photo ID to vote by 2008. You might think that's not such an awful thing; all of us have driver's licenses. But if you are elderly or are one of the 47 percent of urban dwellers who don't have driver's licenses or are poor, you may not have that photo ID.

Why are politicians all over the nation trying to suppress registration numbers and make it increasingly difficult for citizens to vote? That's a great campaign question for all candidates this election year.

For those of us in the League of Women Voters, participation in government is at the core of a thriving and vibrant democracy. The first and most basic expression of that participation is voting. Here in New York state we have advocated strongly for the ability of all eligible voters to register, vote and have their vote counted. At least in New York, we can continue to do that.
Barbara Bartoletti is legislative director of the League of Women Voters of New York State. To contribute to "Rethinking Albany," contact state editor Paul Riede at 470-2138 or e-mail him at priede@syracuse.com.

LOAD-DATE: June 14, 2006
The Tampa (Fla.) Tribune, on voter registration deadlines:

Given Florida’s recent history of voting problems, the Legislature is right to support laws requiring more accountability in the election process and punishing those engaging in fraud. But lawmakers overreached with a new measure that unfairly penalizes civic organizations whose main mission is to register people to vote a cornerstone of democracy.

The law, which took effect Jan. 1, imposes fines ranging from $250 to $5,000 against third-party voter registration groups for each application that’s not quickly turned in to state and local election offices or submitted at all. The law doesn’t even allow exceptions in the event of a hurricane or office fire.

What’s more troubling is the discriminatory nature of the law: Political parties are exempt. These organizations, which have agendas, should be held to the same standard as other groups participating in voter registration....

And the ramifications could be devastating to some groups. For instance, if the Florida League of Women Voters lost 16 registration forms because of simple human error, the fines would eat up its $80,000 budget. These financial concerns have prompted the league to suspend its nearly 70-year tradition of voter registration drives. The league is challenging the law in federal court.

Surely the Legislature did not intend to cripple or deter any honest organization that helps people vote.

As the text of the law states, groups that collect these forms have a fiduciary duty to applicants. But lawmakers should fine-tune the law next year so that honest mistakes don’t prevent reputable organizations from performing a public service.

On the Net:
http://www.tampatrib.com/

June 28

South Bend (Ind.) Tribune, on treatment of veterans:

First their lives were disrupted. And then those who served in the Afghan and Iraq wars risked their lives. They shouldn’t have to wait in line for essential health care services.

There is nothing that this nation doesn’t know about the effects of war on its military personnel, thanks to a great deal of experience. Vietnam turned Department of Veterans Affairs medical teams into experts on post-traumatic stress disorder.
No one knows yet how many veterans of the Afghanistan and Iraq wars will suffer service-related disabilities. So far, there have been more than 100,000. The Bush administration grossly underestimated the number, budgeting for only about 24,000 who would need medical care in 2005 and 2006.

We often honor veterans in this country with our words. Far too often, the government falls short in meeting veterans' real needs. It is up to all of us to demand better for them.

On the Net:
http://www.southbendtribune.com

June 23

The Charleston (W. Va.) Gazette, on high school dropouts:

Strange as it seems to say it, West Virginia's public school system deserves praise because more than one-fourth of Mountain State students 27.2 percent quit before graduation.

Nationally, the dropout rate is worse nearly one-third, according to a major study by Education Week magazine.

Further, West Virginia schools deserve praise because only 34.5 percent of their black students quit. Nationwide, the black dropout rate is horrible, nearly 50 percent.

As education reporter Anna Mallory noted, West Virginia deserves praise for yet another distinction: higher graduation standards. This state requires 24 credits to receive a diploma, while the U.S. average is 20.5 credits.

Although West Virginia ranks high, the number of teens who damage their futures by quitting high school is disturbing and depressing.

As we've said before, the Legislature should consider changing West Virginia's mandatory school attendance law. Impaired youths who cannot master high school learning still could quit at 16 but others would be required to continue until 17. By then, increased maturity and closeness of graduation might show them the value of protecting their futures. This idea deserves study.

On the Net:
http://www.wvgazette.com/section/Editorials/2006062218

June 26

The Hutchinson (Kan.) News, on the interstate highway system:

... President Dwight D. Eisenhower signed the Federal-Aid Highway Act on June 29, 1956. Later that year, on Nov. 14, 1956, Kansas opened the first section of Interstate in the nation on I-70 just west of Topeka.

It's hard to imagine making a road trip across the Sunflower State in 2006 without using at least one segment of controlled access, four-lane highway. Yet adoption of the Interstate Highway System required forward thinking and political perseverance.

In early 1938, President Franklin D. Roosevelt asked an official in his administration to explore the feasibility of building a system of east-west and north-south transcontinental toll highways. ...

Then, in 1952, voters put Eisenhower in the White House. Within his first two years in office, he presented a grand plan for highway construction. ...

Ike defined the goal as building a system of highways to allow for 'speedy, safe, transcontinental travel.' ...

Eventually, Congress resolved the protracted funding debate and approved legislation authorizing construction of the Interstate Highway System. Americans have benefited immensely from that decision over the past 50 years.

On the Net:
http://www.hutchnews.com/
According to experts, Florida's embattled elections system might be falling deeper into a tangled web with a new law that is designed to clean up the system.

A new Florida law imposing heavy fines for voter registration violations could suppress turnout in elections and hamper the ability of labor unions, grassroots groups and other organizations to sign up people who wouldn't ordinarily vote, a political science expert testified Tuesday.

Yale University political science professor Donald Green also told a federal judge that the law makes it "catastrophically risky" for such groups to mount voter registration campaigns because of the high potential costs of violations.

"It seems to trample on basic constitutional rights of association and expression," Green said at a hearing in federal court. "It's essentially like creating a political moat around certain kinds of groups. They simply will not conduct voter registration drives."

Green, a registered Republican who has written a new book on voter turnout, testified on behalf of the League of Women Voters of Florida,
the Florida AFL-CIO and other groups and unions who are challenging the registration law that took effect Jan. 1. All of the witnesses who testified Tuesday were called by the groups challenging the law.

The groups want U.S. District Judge Patricia Seitz to issue an emergency order blocking the law in time for this fall’s elections and ultimately seek to have the law declared unconstitutional. Seitz plans at least one more day of hearings and has not said when she will rule.

"My objective is to get it right the first time and do it as swiftly as possible," the judge said.

The law exempts political parties from a list of new fines when deadlines are missed for handing in voter registration forms. The fines range from $250 for each form submitted more than 10 days after the applicant completed it to $5,000 for each form that is completed but never submitted to election authorities.

Green testified that third-party voter registration drives provide the kind of direct contact with potential voters -- particularly those from poor and immigrant communities -- that persuades them to join the political process. These kinds of drives were key to record registration surges in key swing states in 2004, he said.

These reluctant groups of voters respond best to a face-to-face discussion with a voter registration worker, Green said.

"The thing that gets people to complete the forms is the personal touch," he said.

Cynthia Hall, president of the Florida AFL-CIO, said the law has had a "very chilling effect" by effectively stopping the union from conducting its annual drive to register members. She estimated that drive would have netted about 17,500 new registered voters.

"We feel that registering gives us a voice in government," Hall said.

Alma Gonzalez, special counsel to Council 79 of the American Federation of State, County and Municipal Employees, said the union has encountered problems with county elections supervisors failing to follow registration rules as well. For example, these offices sometimes fail to return incomplete applications to be corrected within five days as required.
"In 2004, it became a great concern to us," she testified.

Miami is no stranger to election debacles. At the local level, Miami Mayor Xavier Suarez was ousted in 1998 after it was revealed that many of the votes he received had come from absentee ballots belonging to dead voters or people that didn’t exist.

The voter registration challenge marks the latest election dispute in Florida, which has been under intense scrutiny since the 2000 presidential election when it took several recounts and five weeks of legal battling before the George W. Bush was declared president by winning Florida with a 537-vote edge.

After the 2004 elections, Florida Republican Party officials complained of possible fraud in voter registration, including voting by convicted felons whose rights had not been restored.

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New voter registration law would reduce turnout, expert says

BY CURT ANDERSON
AP LEGAL AFFAIRS WRITER

MIAMI — A new Florida law imposing heavy fines for voter registration violations could suppress turnout in elections and hamper the ability of labor unions, grassroots groups and other organizations to sign up people who wouldn't ordinarily vote, a political science expert testified Tuesday.

Yale University political science professor Donald Green also told a federal judge that the law makes it "catastrophically risky" for such groups to mount voter registration campaigns because of the high potential costs of violations.

"It seems to trample on basic constitutional rights of association and expression," Green said at a hearing in federal court. "It's essentially like creating a political moat around certain kinds of groups. They simply will not conduct voter registration drives."

Green, a registered Republican who has written a new book on voter turnout, testified on behalf of the League of Women Voters of Florida, the Florida AFL-CIO and other groups and unions who are challenging the registration law that took effect Jan. 1. All of the witnesses who testified Tuesday were called by the groups challenging the law.

The groups want U.S. District Judge Patricia Seitz to issue an emergency order blocking the law in time for this fall's elections and ultimately seek to have the law declared unconstitutional. Seitz plans at least one more day of hearings and has not said when she will rule.

"My objective is to get it right the first time and do it as swiftly as possible," the judge said.

The law exempts political parties from a list of new fines when deadlines are missed for handing in voter registration forms. The fines range from $250 for each form submitted more than 10 days after the applicant completed it to $5,000 for each form that is completed but
New voter registration law would reduce turnout, expert says - Dateline Florida
Voting law hearing begins

Registration measure challenged

By Vanessa Blum
South Florida Sun-Sentinel
Posted July 26 2006

A new state law forced several major advocacy groups and labor unions to cancel planned 2006 voter registration drives in Florida over fear that they could face hefty fines, organization leaders said Tuesday during a hearing in Miami federal court.

Cynthia Hall, president of the Florida chapter of the AFL-CIO, said unions belonging to her organization called off voter registration activities because of possible fines ranging from $250 to $5,000 per mishandled application.

“It could get very costly and literally bankrupt us, if just one person makes mistakes,” Hall said.

Under the legislation, which took effect Jan. 1, organizations and their volunteers must pay fines of $250 for each voter registration application submitted more than 10 days after it's collected, $500 for each application submitted after the voter registration deadline, and $5,000 for each application not submitted.

The AFL-CIO, the League of Women Voters of Florida and other groups sued state elections officials in May, claiming the law violates their constitutional right to free speech.
On Tuesday, the groups asked U.S. District Judge Patricia Seitz to overturn the legislation, at least temporarily, so they can carry on voter registration activities leading up to the 2006 elections.

Supporters of the law say it is necessary because some groups previously held on to applications, filing them at the last minute or even after registration deadlines.

But opponents of the law say it discriminates against so-called third-party groups like unions because the fines apply to their organizations but not to registered political parties. Even honest mistakes could result in stiff fines, said Alma Gonzalez, special council to the American Federation of State, County and Municipal Employees.

Because of the potential fines, the union has conducted just one weekend of voter registration activity so far in 2006, Gonzalez said.

Donald Green, a political science professor at Yale University, said the law particularly hurts disadvantaged groups, such as new immigrants, which have lower voter turnout.

Attorney Peter Antonacci, who is defending the law on behalf of state elections officials, said third-party groups still can hand out voter registration materials and provide voter education without being exposed to fines. A volunteer could even go door to door helping people fill out applications, he said.

The hearing will continue today.

Vanessa Blum can be reached at vbblum@sun-sentinel.com or 954-356-4605.
A coalition of statewide voting rights groups, unions and churches asked a federal judge in Miami on Tuesday to temporarily halt a new Republican-sponsored state law that voting rights groups say has forced them to stop registering new voters.

Testifying for the plaintiffs at a hearing Tuesday, Yale University political science professor Donald Green said the role of third-party voter registration groups such as the League of Women Voters of Florida is crucial in Florida because state government is dominated by one party. County election supervisors, he said, 'might not do as much to enforce a law' as a third-party voter registration group.

U.S. District Judge Patricia A. Seitz then asked Green: 'So you're saying power corrupts and absolute power corrupts absolutely?'

'That's the first rule of political science,' Green replied.

The lead plaintiff, the nonpartisan League of Women Voters of Florida, and five other plaintiffs asked Judge Seitz for the temporary injunction. The hearing will continue today.

The litigation is the latest legal showdown between Florida Republican leaders and Democrats and various Democratic-leaning groups over who gets to vote in this crucial state. Republicans traditionally seek to limit voter registration, alleging fraud and abuse, while Democrats traditionally seek to make it more flexible, arguing that otherwise many citizens are denied their fundamental right to vote.

In close elections, such as those that are expected this fall in races for Congress and statewide offices, the number and demographics of new voter registrations can be decisive. Current estimates indicate that nearly half of the registrants added to Florida's voter rolls during the last presidential election were registered by third-party groups.

In May, the League of Women Voters and the other plaintiffs filed suit against Florida Secretary of State Sue M. Cobb -- an appointee of Gov. Jeb Bush -- and the director of the Division of Elections, Dawn Roberts in an effort to overturn the new law barring third-party voter registration groups from submitting new applications close to the election.

The suit says the new law violates constitutional free speech and equal protection provisions. It notes that the law imposes tougher restrictions on third-party voter registration groups than on political parties.
The law, sponsored by Ron Reagan, R-Sarasota; Kevin C. Ambler, R-Tampa; Marsha L. 'Marty' Bowen, R-Winter Haven; and Ed Homan, R-Temple Terrace, imposes fines ranging from $250 to $5,000 for 'third-party groups' that fail to submit completed voter registration forms to elections officials in a timely manner.

For example, the law calls for groups to be fined $250 for each application turned in more than 10 days after it was signed by a prospective voter, $500 for each application submitted after the voter registration deadline and $5,000 for each application that is not submitted.

Political parties are exempt from the fines.

In an affidavit in the case, Donna Miller, National Voter Registration Act coordinator for the Florida Division of Elections, argued that the new law is needed because 'late arrival of voter registration applications creates chaotic conditions' in county election supervisors' offices around the state.

'These chaotic conditions can be diminished and even avoided if voter registration applications are received in a steady stream, by contrast to the huge waves of voter registration applications that overwhelmed the division and many supervisors in 2004.'

But as a result of the law, the League of Women Voters in May declared a statewide moratorium, for the first time ever, on registering new voters. The group worries that if it fails to turn in completed applications in the case of a flood, hurricane or simple mistake, its budget would be wiped out with fines. 'I'm the only president of a state league saying to members, 'You cannot do the work that is the core of our league,'' said Dianne Wheatley Giliotti, the league's president in an interview.

At Tuesday's contentious hearing, Green, a voting rights expert and Republican, testified for the plaintiffs that the new law would 'put out of business nonparty voter registration drives.'

When asked by lawyers for Cobb and Roberts why third-party groups could not just provide forms to unregistered voters and have the voters themselves mail them in, Green said that's not effective. 'The thing that gets people to complete the form is the personal touch the worker is offering,' he said. Many of those contacted probably won't buy a stamp and take the time to mail in the form, he said.

When asked what effect the new law would have on voter turnout, Green said it would have little effect on affluent voters but a profound effect on low-income voters.

Alma R. Gonzalez, special counsel to one of the plaintiffs, the American Federation of State, County and Municipal Employees, AFL-CIO, which registers thousands of new voters a year, testified how some county election supervisors throughout Florida failed to register large numbers of voters in 2004 who had mailed in registration forms. The problem was particularly acute in Broward County, where AFSCME offered to help Broward Supervisor of Elections Brenda Snipes before the election.

'A high number of applications were not appearing on the rolls,' Gonzalez said. 'Many supervisors of elections were short-staffed or not adequately trained in the new technology. They were doing things in the 1980s way. We urged them to hire temporary workers.'

Pushed by business group

The new voter registration provision was slipped through by Republican legislative leaders on the last day of the 2005 legislative session as part of a massive election reform bill. The League of Women Voters only learned of it after the secretary of state began holding public hearings on the issue in 2005 and 2006.

The venerable voting rights group immediately decided to halt all its voter registration activities, saying the new law and subsequent fines could easily bankrupt the group, which has a statewide budget of $80,000.

In May, the league filed a lawsuit seeking declaratory and injunctive relief, joined by People Acting for Community Together (PACT), a group of 38 churches and synagogues representing 100,000 members; Florida AFL-CIO,
AFSME Council 79; SEIU Florida Healthcare Union; and numerous individual voters.

Public interest law firms such as the Washington, D.C., Advancement Project and the Brennan Center for Justice at the New York University law school quickly signed on to represent the group pro bono.

According to affidavits filed by Donna Miller and Ivy Korman, deputy supervisor of elections in Miami-Dade County, the new law limiting third-party registration efforts was needed to combat abuses by third-party voter registration such as those that allegedly occurred during the 2004 presidential election, particularly by Association of Community Organizations for Relief Now (ACORN).

'Third-party voter registration organizations, including one known as ACORN, gathered large numbers of voter registration applications and simply dumped them on the doorsteps of the supervisor of elections and secretary of state just prior to or even after book closing,' according to Miller's affidavit in support of the defendants.

In August, September and October 2004, thousands of voter registration applications sent by third-party organizations appeared in boxes, large mailing envelopes and post office containers at the Division of Elections office in Tallahassee. The office was forced to hurriedly sort them by county and mail or overnight them to the proper county elections office.

Lateness never a problem

But Leon County Supervisor of Elections Ion Sancho said in an interview that there was another motivation behind the new law. The Florida Chamber of Commerce pushed the law, Sancho said, in an effort to defang ACORN, which signed up thousands of new voters while it gathered signatures for a ballot initiative to raise the state minimum wage. The minimum wage initiative was approved by voters in 2004.

'The chamber was not happy with ACORN,' Sancho said. 'They wanted to restrict these kinds of groups.'

In his affidavit of support for the plaintiffs, Sancho said that in his 18 years as an elections supervisor he has never received a late voter registration application from the League of Women Voters, the AFL-CIO, AFSCME or the SEIU. He stated that he typically hires extra staff or assigns double shifts in the weeks before elections to process the large numbers of voter registration applications.

'I do not see any appreciable difference in the timeliness of voter registration applications submitted by political parties as compared to those submitted by nonpartisan third-party voter registration groups,' he stated. 'Given this law's strict liability and heavy fines, it will not effectively address voter registration problems and will instead diminish voter participation by making it riskier and more costly for private groups to register voters.'

Julie Kay can be reached at (954) 468-2622.
MIAMI -- A new Florida law imposing heavy fines for voter-registration violations could suppress turnout in elections and hamper the ability of labor unions, grass-roots groups and other organizations to sign up people who would not ordinarily vote, a political-science expert testified Tuesday.

Donald Green, a Yale University political-science professor, also told a federal judge that the law makes it "catastrophically risky" for such groups to mount voter-registration campaigns because of the high potential costs of violations.

"It seems to trample on basic constitutional rights of association and expression," Green said at a hearing in federal court. "It's essentially like creating a political moat around certain kinds of groups. They simply will not conduct voter-registration drives."

Green, a Republican who has written a new book on voter turnout, testified on behalf of the League of Women Voters of Florida, the Florida AFL-CIO and other groups challenging the registration law that took effect Jan. 1. The witnesses who testified Tuesday were called by the groups challenging the law.

The groups want U.S. District Judge Patricia Seitz to issue an emergency order blocking the law in time for this fall's elections and ultimately seek to have the law declared unconstitutional. Seitz plans at least one more day of hearings and has not said when she will rule.

The law exempts political parties from fines when deadlines are missed for voter-registration forms. The fines range from $250 for each form submitted more than 10 days after the applicant completed it to $5,000 for each form that is completed but never submitted to election authorities.

Green testified that third-party voter-registration drives provide the kind of direct contact with potential voters -- particularly those from poor and immigrant communities -- that persuades them to join the political process.
Wrong target

Florida goes after voter-registration drives

More than a million new voters registered in Florida for the 2004 presidential election season. Nearly half signed up through third parties: political parties, driver’s-license offices, labor unions, churches, advocacy groups or the venerable League of Women Voters.

Would all those voters have registered in time if not for the efforts of third-party groups? It’s hard to say. Registering is easier now that Florida follows federal motor-voter requirements, but the state still “closes the books” a month prior to each election, meaning residents lose the opportunity to register to vote in an election just as campaigns hit high gear. For example, anyone who wants to vote in the Sept. 5 election must be registered by Aug. 7.

Third-party voter-registration campaigns help remind people of pending deadlines and make it as easy as possible to register. Campaigns are most likely to be effective among low-income people, who might not have time or means to go to the supervisor of elections’ office, and the elderly, who might not be able to make the drive.

But those groups won’t get as much help this year, thanks to an overly harsh law passed in 2005 by the Florida Legislature. That law — being challenged as unconstitutional in federal court — levies big fines against organizations that accept voter-registration forms, but turn them in late or lose them. The League of Women Voters, which collects tens of thousands of voter registration applications statewide, says its annual budget would be wiped out if just 16 applications were mislaid. And, so, the league won’t be conducting registration campaigns this year, a significant loss to Florida voters.

Florida has seen problems with voter-registration drives. One particularly nasty scheme tricked voters by asking them to sign petitions in support of medical marijuana — without telling them they were also signing a form that changed their county of registration. Some groups destroyed voter registration applications that didn’t state the “correct” party affiliation.

A law that goes after intentional bad acts makes sense, which is why Florida already had such laws on the books. It’s a crime to destroy voter applications or defraud voters. But the 2005 law goes much further.

Organizations will be fined $250 for every voter registration turned in more than 10 days late (even if it’s turned in well before voter rolls close), $500 for each application turned in after book closing and $5,000 for each application not submitted. There’s no mercy allowed — groups are just as liable for an application destroyed in a flood or burned in a car crash as for applications shredded with malice.

Unfairly, the new law doesn’t touch anyone working directly for a political party. While independent, all-volunteer groups face zero-tolerance policies, paid political operatives do not.

In a hearing this week, a federal judge in Miami heard testimony that political parties and even elections-office workers have mislaid voter-registration applications. The judge also heard from an elections expert that the new law — and the resulting decision by many nonprofit groups not to register voters this year — will seriously depress voter turnout in the fall elections.

The evidence might be enough to overturn the law. If not, lawmakers should repeal it.
Our view: Registration roadblocks

Block bad law which hurts voter turnout, and stifles democracy

The right to vote underpins all the freedoms Americans cherish, but a law passed by Florida's Legislature this year will lower the turnout of legitimate voters and should be blocked.

The law slaps heavy fines on volunteer organizations like the League of Women Voters of Florida and other groups who sponsor registration drives.

If they miss deadlines or lose registration forms for any reason, even in the case of natural disasters, they face fines of up to $5,000.

The threat of fines led the League -- which is nonpartisan and operates on $80,000 a year -- to cancel its voter drives this year and file a federal lawsuit against the measure.

The Space Coast chapter of the League, which has successfully helped Supervisor of Elections Fred Galey in high-school voter drives, is taking part in the moratorium.

It's lower-income, minority, and disabled citizens who lack easy access to information about voting who'll be most affected by suspension of registration drives -- which makes us suspicious about just whom lawmakers are trying to keep away from the polls.

U.S. District Judge Patricia Seitz is holding hearings in Miami to determine if the punitive law meets constitutional muster and should issue an emergency order blocking it now.

That way, volunteer groups can start carrying the freight for democracy again by registering as many new voters as possible before the Oct. 10 deadline for the Nov. 7 general elections.
CLEVELAND - For Tony Minor, the pastor of the Community of Faith Assembly in a run-down section of East Cleveland, Ohio's new voter registration rules have meant spending two extra hours a day collecting half as many registration cards from new voters as he did in past years.

Republicans say the new rules are needed to prevent fraud, but Democrats say they are making it much harder to register the poor.

In the last year, six states have passed such restrictions, and in three states, including Ohio, civic groups have filed lawsuits, arguing that the rules disproportionately affect poor neighborhoods.

But nowhere have the rules been as fiercely debated as here, partly because they are being administered by J. Kenneth Blackwell, the secretary of state and the Republican candidate in one of the most closely watched governor's races in the country, a contest that will be affected by the voter registration rules. Mr. Blackwell did not write the law, but he has been accused of imposing regulations that are more restrictive than was intended.

Under the law, passed by the Republican-led state legislature in January 2006, paid voter registration workers must personally submit the voter registration cards to the state, rather than allow the organizations overseeing the drives to vet and submit them in bulk.

By requiring paid canvassers to sign and put their addresses on the voter registration cards they collect, and by making them criminally liable for any irregularities on the cards, the rules have made it more difficult to use such workers, who most often work in lower-income and Democratic-leaning neighborhoods, where volunteers are scarce.

"In Washington, D.C., Congress may have passed the voting rights bill to extend voter participation," said Katy Gall, organizing director of Ohio Acorn, an advocacy group that focuses on poor neighborhoods. "But out here at the grass roots, things are headed in the opposite direction."

Ms. Gall said the group had collected fewer than 200 new voter registration cards in the last month, down from an average of 7,000 a month before the regulations took effect on May 2.

"Quit whining," said the Rev. Russell Johnson, the pastor of Fairfield Christian Church, who chuckled while shaking his head. "We work with the same challenges that everyone else does and we're not having trouble."
Surrounded by cornfields and middle-income homes, Mr. Johnson's 4,000-member evangelical church in Lancaster, Ohio, is part of a coalition of conservative groups that aims to sign up 200,000 new voters by November, he said.

In the past several elections, Republicans have been effective in registering voters and getting them to the polls. Mr. Johnson said conservatives were better able to depend on voter registration volunteers because the conservatives had a message that attracted people who were willing to work free.

But Republicans are in an uphill battle in the face of investigations involving Gov. Bob Taft, who has pleaded no contest to charges of failing to report thousands of dollars in gifts given to him, and of Representative Bob Ney, who has been linked to the Jack Abramoff lobbying scandal.

Backers of the new regulations say they were needed, pointing to the fake names that appeared on voter registration cards in 2004, like Jive Turkey Sr.

"The new regulations have everything to do with preventing Jive Turkeys from showing up on cards the way they did last time," said John McClelland, a spokesman for the state Republican Party. "They've got nothing to do with suppressing voter participation." But elections experts and liberal grass-roots organizations say the new rules go too far.

"All this flak about Jive Turkey is a red herring," said Catherine Turcer, the legislative director for Ohio Citizen Action, a nonpartisan government watchdog group in Columbus. "Yes, his name showed up on a voter registration card along with Dick Tracy, Mary Poppins and Michael Jordan. But none of them showed up at the polls, which is really what matters, and cases like theirs were a total rarity that did not justify such restrictive new measures."

Back in East Cleveland, the copier machine at the Community of Faith Assembly church was overheating, and Mr. Minor was about to do the same. One new rule requires paid canvassers to return signed registration cards within 10 days to county boards of elections or the secretary of state's office, rather than to the group paying the canvassers.

To comply with the rule, Mr. Minor has created an elaborate system so the cards do not leave the possession of the canvasser, and so he can make copies of them to get reimbursed by the People for the American Way, which is financing his voter registration drive.

Another rule requires that all paid workers take an online training course. "The problem there is that we've got a computer that freezes up every time we try to load the online program," Mr. Minor said.

Politics have also ratcheted up the debate. In 2004, Mr. Blackwell was a co-chairman of President Bush's re-election committee, and while the new law would prevent him from holding such a position in the future, his dual role as electoral overseer and candidate for governor has become a favorite target of his opponents.

On July 10, at an Acorn event in Columbus, Senator Hillary Rodham Clinton accused Mr. Blackwell of a conflict of interest. The Democratic Congressional Campaign Committee followed suit with a letter to Mr. Blackwell, calling for him to relinquish his election duties as secretary of state. That sentiment has been echoed by Representative Ted Strickland, a five-term Democrat who has an 11-percentage-point lead over Mr. Blackwell in the governor's race, according to a Rasmussen Reports survey released Aug. 1.

Mr. Blackwell, who did not respond to requests for an interview, has said he is only carrying out the law that was handed to him by the legislature. If he has any conflict of interest, Mr. Blackwell's campaign has said, so do the Democratic secretaries of state in Iowa and Georgia, who also ran for governor.

Wendy R. Weiser, a law professor at the Brennan Center for Justice at the New York University School of Law and a lawyer in several of the suits opposing new voter registration regulations, said Ohio must be considered in a national...
context.

In Florida, the League of Women Voters and other groups are suing over a new law that imposes heavy fines for candidates if they submit forms late or if there are errors on the forms, Ms. Weiser said. In Georgia, the legislature passed a voter-identification law last year requiring citizens to purchase a government-issued ID card to present at the polls, but it was blocked by a federal judge as being a modern-day poll tax.

"I do believe," Ms. Weiser said, "there is a national trend of using the straw man of voter fraud as a way to impose restrictive regulations on voting and voter registration."

But what, then, is to be made of Jive Turkey Sr.?

Ohio state officials have said that such names appeared because voter registration groups were paying their workers per registration card, which created an incentive to submit fake names. The new regulations forbid this type of payment, a move that all grass-roots organizations seem to agree is for the better.

As for the level of threat posed by Mr. Turkey: a report compiled in 2005 by Mr. Ney, the Ohio congressman, cited news media reports of "thousands" of cases of voter registration fraud being investigated by local officials. But a separate study last year by the League of Women Voters found that voter registration fraud did not necessarily result in fraud at the polls. Out of 9,078,728 votes cast in Ohio in 2002 and 2004, the report said, only four ballots were fraudulent, according to statistics provided by officials from the state's 88 county boards of elections.

Photos: Brittnay Wanzo, left, signs her name for Tai Smith, a voter registration worker, in Cleveland on July 21. Ms. Smith registered 15 voters that day. (Photo by Eustacio Humphrey for The New York Times); Tony Minor, right, with Jamilda Jones, a staff member, made a system to comply with registration rules. (Photo by Eustacio Humphrey for The New York Times); The Rev. Russell Johnson, whose church is part of a conservative coalition that is registering voters. (Photo by Michael Houghton for The New York Times)
A federal judge on Monday struck down a Florida law that imposes hefty fines on third parties that take too long to submit voter registration forms, saying it threatens free speech rights and unfairly exempts political parties.

The law took effect Jan. 1 and has been blamed by critics for blocking voter registration drives because of huge financial risk.

The law imposes a fine of $250 for each form submitted to election officials more than 10 days after it is collected from an individual. Penalties can reach $5,000 for each form that is collected but never submitted.

"If third-party voter registration organizations permanently cease their voter registration efforts, Florida citizens will be stripped of an important means and choice of registering to vote and of associating with one another," U.S. District Judge Patricia Seitz wrote.

The law also "unconstitutionally discriminates" against third-party registration groups because it does not apply to political parties, Seitz added.

In addition to the Democratic and Republican parties, Florida law recognizes 23 parties including the American Poor People Party, the Green Party of Florida, the Prohibition Party and the Surfers Party of America.

"In effect, the law would have imposed a tax on democracy and a tax on democratic participation," said attorney Craig Siegel.

The law was passed in 2004. Attorneys for the state had argued that the Legislature was within its powers to single out third-party groups because of evidence of past registration problems.

The ruling "will send a signal to officials in Florida and other states that you cannot erect unreasonable barriers to voter registration," said Wendy Weiser, co-counsel for the third-party groups and deputy director of the Democracy Program at the New York University law school’s Brennan Center for Justice.

Voter registration drives now can begin ahead of the Nov. 7 general election, several groups said. Plaintiffs included the League of Women Voters of Florida and the Florida AFL-CIO.

The deadline for voter registration applications for this year’s general election is Oct. 10. The deadline for next week’s primary has already passed.

"At this point, we respectfully disagree with the ruling and plan to take the issue up on appeal," said Sterling Ivey, spokesman for the Florida secretary of state.
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Judge rejects 'chilling' voter registration law

Groups plan to resume their efforts after an injunction erases fears.

By ALISA ULFERTS, Times Staff Writer
Published August 28, 2006

A Florida law that imposes crippling fines on civic groups that mishandle voter registration cards is unconstitutional, a federal judge ruled Monday.

The law, which calls for fines of up to $5,000 per incident and holds volunteers liable if their organizations can’t pay, has a “chilling” effect on the constitutional rights of speech and assembly, U.S. District Judge Patricia A. Seitz wrote in her order granting a preliminary injunction.

Seitz noted that voter advocacy groups such as the League of Women Voters of Florida halted all voter registration drives because they feared the fines could bankrupt them.

The judge added that the law unfairly exempts political parties.

“While the Court is extremely reluctant to set aside an enactment of the Legislature, given the magnitude of Plaintiff’s First Amendment freedoms at stake in this case, the Third-Party Voter Registration Law’s civil penalties scheme and exclusion of political parties is unconstitutional,” Seitz ruled.

A full trial is scheduled for later this year, but a spokesman for the Division of Elections said the state won’t wait that long to challenge Monday’s ruling.

“We respectfully disagree with the decision and will appeal the injunction,” said spokesman Sterling Ivey.

Meanwhile, third-party groups are free to conduct registration drives without worrying about the fines. Cindy Hall, president of the Florida chapter of the labor union AFL-CIO, a plaintiff in the case, said she has sent a memo to all her branch organizers to crank up voter registration efforts.

“I’m encouraging them because we only have a month to go” before the Oct. 9 deadline to register for the November general election, she said.

The League of Women Voters of Florida, which typically registers thousands of voters every election year, suspended its registration drive for the first time in its 67-year history, said president Dianne Wheatley-Giliotti.

“This is a win for Florida voters and a reaffirmation of the critical role civic groups play in helping tens of thousands of unregistered citizens come into the process and become voters every year,” Wheatley-Giliotti said.

Under the law, which went into effect on Jan. 1, the state would have imposed a mandatory fine of $250 for every voter registration form submitted more than 10 days after the form was collected from a prospective voter, $500 for each registration form submitted after the passing of a registration deadline, and $5,000 for each registration form not submitted at all.

The circumstances didn’t matter — the groups could be fined if a fire or hurricane destroyed the applications. And if the organization couldn’t pay, the volunteer who collected the application could be on the hook.
Lawyers for the state say that the law is needed to rein in groups that mishandle applications voters entrusted to them and that the law doesn’t prohibit anyone from conducting registration drives. They said the law protects voters from showing up at the polls and discovering too late that their application was never filed.

Voter advocacy groups, including the League of Women Voters of Florida, said there is no evidence suggesting that third-party groups are likelier to mishandle voter applications than the political parties that lawmakers exempted from the fines.

In fact, they point to a letter by Okaloosa County Supervisor of Elections Pat Hollarn saying that the only late applications she received during the 2004 election cycle came from the Republican Party. Leon County Supervisor of Elections Ion Sancho testified that Democrats were the only violators in his county. Judge Seitz took note.

"The evidence in this case does not demonstrate a significant problem with voter registration applications from third party voter registration organizations," she wrote.

The state also argued that fears of the fines are unnecessary because Secretary of State Sue Cobb has the discretion to apply or waive the fees on a case-by-case basis.

But that didn’t calm the fears of third-party groups. Worried that the strict liability clause would scare away volunteers, groups including the League of Women Voters and the labor union ordered their members to stop registration drives — and then they sued.

Seitz ruled that the state failed to prove the fines were necessary, because the state already imposes criminal penalties on those who “knowingly destroy, mutilate, or deface a voter registration form or an election ballot or delay the delivery of a voter registration form or election ballot.”

She also rejected the state’s claim that third-party handling of voter registration forms was a problem. Rather than blame third parties for hoarding and then dumping voter forms on elections officials as part of a political strategy, Seitz blamed “a lack of preparation on the part of the supervisors of elections offices” for confusion surrounding the last-minute rush of forms before the 2004 presidential election.

Ivey, the spokesman for the Division of Elections, said the state hasn’t decided whether to ask for a stay of the injunction while it appeals.

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U.S. judge blocks new Florida voter registration law

By Curt Anderson
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MIAMI — A federal judge on Monday struck down a Florida law that imposes hefty fines on third parties that take too long to submit voter registration forms, saying it threatens free speech rights and unfairly exempts political parties.

The law took effect Jan. 1 and has been blamed by critics for blocking voter registration drives because of huge financial risk.

The law imposes a fine of $250 for each form submitted to election officials more than 10 days after it is collected from an individual. Penalties can reach $5,000 for each form that is collected but never submitted.

“If third-party voter registration organizations permanently cease their voter registration efforts, Florida citizens will be stripped of an important means and choice of registering to vote and of associating with one another,” U.S. District Judge Patricia Seitz wrote.

The law also “unconstitutionally discriminates” against third-party registration groups because it does not apply to political parties, Seitz added.

In addition to the Democratic and Republican parties, Florida law recognizes 23 parties including the American Poor People Party, the Green Party of Florida, the Prohibition Party and the Surfers Party of America.

“In effect, the law would have imposed a tax on democracy and a tax on democratic participation,” said attorney Craig Siegel.

The law was passed in 2004. Attorneys for the state had argued that the Legislature was within its powers to single out third-party groups because of evidence of past registration problems.

The decision means that voter registration drives can commence in advance of the Nov. 7 general election, several groups said. Plaintiffs included the League of Women Voters of Florida and the Florida AFL-CIO.

The deadline for voter registration applications for this year’s general election is Oct. 10. The deadline for next week’s primary has already passed.

“At this point, we respectfully disagree with the ruling and plan to take the issue up on appeal,” said Sterling Ivey, spokesman for the Florida secretary of state.

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The ruling "will send a signal to officials in Florida and other states that you cannot erect unreasonable barriers to voter registration," said Wendy Weiser, co-counsel for the third-party groups and deputy director of the Democracy Program at the New York University law school's Brennan Center for Justice.

Voter registration drives now can begin ahead of the Nov. 7 general election, several groups said. Plaintiffs included the League of Women Voters of Florida and the Florida AFL-CIO.

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U.S. Judge Blocks New Florida Voter Registration Law

Aug. 28 - A federal judge on Monday declared a new Florida voter registration law unconstitutional, ruling that its stiff penalties for violations threaten free speech rights and that political parties were improperly exempted.

The 48-page ruling by U.S. District Judge Patricia Seitz means that state authorities cannot enforce the provisions of the law. It took effect Jan. 1 and has been blamed by several labor unions and nonprofit groups for effectively blocking voter registration drives across the state because of the financial risk.

"If third-party voter registration organizations permanently cease their voter registration efforts, Florida citizens will be stripped of an important means and choice of registering to vote and of associating with one another," Seitz wrote.

The law also "unconstitutionally discriminates" against third-party registration groups because it does not apply to political parties, Seitz added.

The law imposes fines of $250 for each form that is submitted to election officials more than 10 days after it is collected from an individual and can reach $5,000 for each form that is collected but never submitted.

State officials said the decision would be appealed to the 11th U.S. Circuit Court of Appeals.

"At this point, we respectfully disagree with the ruling and plan to take the issue up on appeal," said Sterling Ivey, spokesman for Florida Secretary of State Sue Cobb, whose office oversees elections.

The measure quietly passed the Legislature in the aftermath of the 2004 presidential election that saw national attention focused on Florida as a key battleground state and the registration of more than 1.5 million new voters, nearly twice the number registered in the 2000 election cycle.

"This is a win for democracy and will send a signal to officials in Florida and other states that you cannot erect unreasonable barriers to voter registration," said Wendy Weiser, co-counsel for the third-party groups and deputy director of the Democracy Program at the New York University law school's Brennan Center for Justice.

The plaintiffs in the case included the League of Women Voters of Florida, the Florida AFL-CIO, the American Federation of State, County and Municipal Employees and other groups.

Attorneys for the state had argued that the Legislature was within its powers to single out third-party groups because of evidence of past registration problems.

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