Fla. Voter Registration Law Blocked
MIAH, Aug. 28, 2006

(AP) 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.
U.S. judge blocks new Florida voter registration law

CURT ANDERSON
Associated Press

MIAMI - A federal judge on Monday declared a new Florida voter registration law unconstitutional, ruling that its severe penalties for violations threaten free speech rights and that political parties were unfairly 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 civic groups for effectively blocking voter registration drives across the state because of huge financial risk.

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The decision means that voter registration drives that were on hold can now commence in advance of the Nov. 7 general election, representatives of several groups said. 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.

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"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," said Dianne Wheatley-Giliotti, president of the League of Women Voters of Florida.

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.

The ruling invalidating the law "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.

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. But Seitz noted that only about 5,000 registration forms were submitted too late in 2004, representing a small fraction of the 1.51 million registrations handled by individuals and third-party organizations.

The judge also rejected state arguments that the severe penalties were necessary, noting that Florida law already imposes criminal penalties intended to prevent fraud or destruction of voter registration applications.
Federal Judge Blocks New Florida Voter Registration Law on Constitutional Grounds

By CURT ANDERSON

The Associated Press

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The order was a victory for the League of Women Voters of Florida and other groups that claimed the law effectively shut down non-partisan voter registration drives while allowing political parties to continue to register voters.

"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," Wendy Weiser, a lawyer for the plaintiffs, said in a statement.

Florida officials were considering options for an appeal.

"The Department of State respectfully disagrees with the ruling and plans to take up the merits of the case on appeal," spokesman Sterling Ivey said.

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.

The League of Women Voters and other groups sued, saying the law imposed unreasonable fines 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 groups argued that the law violated free-speech rights and disproportionately discriminated against low-income, minority, disabled and other "marginalized citizens" who relied on the groups to help them register to vote.

The groups said the fines could wipe out their budgets for voter registration drives.

In issuing a preliminary injunction, U.S. District Judge Patricia Seitz ruled the law discriminated in favor of political parties by excluding them from the definition of third-party voter registration organizations.

She said the imposition of the fines was unconstitutional because it "chills Plaintiffs' First Amendment speech and association rights."

Weiser said the ruling could head off "voter-suppression" laws in other states.

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

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Fla. voter registration law blocked

2006/8

By CURT ANDERSON, Associated Press Writer 9 minutes ago

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Miami judge blocks new Florida voter registration law

By Vanessa Blum
sun-sentinel.com

August 28, 2006, 2:12 PM EDT

MIAMI -- A federal judge on Monday blocked enforcement of a controversial 2005 Florida state law that would have imposed stiff fines on groups conducting voter registration for applications submitted late.

In a decision hailed by civic groups and labor unions, U.S. District Judge Patricia Seitz stated that the law violates the U.S. Constitution by infringing on the groups' rights to free speech and association.

The law discriminates against third party groups because the fines do not apply to political parties, Seitz stated in her ruling.

"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," said Dianne Wheatley-Giliotti, president of the League of Women Voters of Florida.

The league and other organizations filed a suit challenging the law in May, saying it forced them to shut down voter registration drives.

Lawyers defending the statute on behalf of Florida's Department of State claimed the law was necessary to protect aspiring voters who might be impacted if their applications were turned in after the deadline.

The measure, which took effect Jan. 1, imposed fines of $250 on organizations and volunteers 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.

Seitz said the state failed to show why such steep fines were necessary.

"Volunteers are simply not willing to spend their time and effort on voter registration activities when the consequences of imperfect compliance are significant fines," Seitz stated.

The judge found the government did not demonstrate a serious problem with third party groups turning in voter registration forms late. Her ruling noted that Florida law already imposes criminal penalties on those who knowingly obstruct or delay the delivery of a voter registration form.

Seitz's ruling comes more than two months before the November general election. The deadline to register to vote in that election is Oct. 10.

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By CURT ANDERSON
AP Legal Affairs Writer

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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.

The ruling invalidating the law "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.

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. But Seitz noted that only about 5,000 registration forms were submitted too late in 2004, representing a small fraction of the 1.51 million registrations handled by individuals and third-party organizations.

The judge also rejected state arguments that the severe penalties were necessary, noting that Florida law already imposes criminal penalties intended to prevent fraud or destruction of voter registration applications.

August 28, 2006 - 3:07 p.m. EDT

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By CURT ANDERSON, The Associated Press
Aug 28, 2006 3:07 PM (11 days ago)
Current rank: Not ranked

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Federal judge rejects Florida third party registration law as unconstitutional
Jaime Jansen at 3:12 PM ET

[UJURIST] US District Judge Patricia Seitz of the Southern District of Florida [official website] on Monday threw out Florida's Third-Party Registration Law [text], which had imposed steeply scaled fines on organizations and volunteers who failed to submit voter applications within specified time periods. Seitz ruled [opinion text, PDF] that the law "unconstitutionally discriminates in favor of political parties by excluding them from the definition of 'third party voter registration organization'" and that the law's stiff fines are unconstitutional because they "chill...First Amendment speech and association rights."

Several labor unions had criticized the law [complaint, PDF], saying that it blocked voter registration drives because of a high financial risk, which imposed a $250 fine on organizations and volunteers who failed to submit voter applications within ten days of application, $500 if organizations and volunteers failed to submit applications by the registration deadline, and $5,000 if organizations and volunteers failed to submit the application altogether. Florida state officials said they would appeal the decision to the Court of Appeals for the Eleventh Circuit. The plaintiffs, which included the League of Women Voters of Florida, the Florida AFL-CIO, the American Federation of State, County, and Municipal Employees [advocacy websites] and other smaller groups, called Monday's ruling a "win for democracy." AP has more. The South Florida Sun-Sentinel has local coverage.
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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.

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

The law also "unconstitutionally restricts the right to engage in political activities," she said. In addition to the Democratic and Republican parties, Florida law recognizes the Libertarian Party, the American Peace Party, the Green Party of Florida, the Peace and Freedom Party, the Conservative Party of Florida, the Socialism and Liberty Party of Florida, the Surfers Party of America, the Socialist Party of America, the New York Social Democratic Federation and the Socialist Labor Party of America.

The law imposes fines of $250 for each registration form that is not submitted to election officials within 24 hours of collection, $5,000 for each form that is collected and not submitted, and a $10,000 fine for any election official who fails to keep a record of registrations.

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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.

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Judge Blocks Fla. Voter Registration Law

Federal judge blocks new Florida voter registration law on constitutional grounds

MIAMI, Aug. 28, 2006
By CURT ANDERSON Associated Press Writer

(AP) 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.

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.
August 28, 2006

Judge Blocks Florida Voter Registration Law

By THE ASSOCIATED PRESS

Filed at 7:12 p.m. ET

MIAMI (AP) -- 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.

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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.

URL: http://sfgate.com/cgi-bin/article.cgi?file=/n/a/2006/08/28/politics/p102940D45.DTL
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Fla. Voter Registration Law Blocked

Monday August 28, 2006 11:46 PM

By CURT ANDERSON

Associated Press Writer

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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.
MIAMI — A federal judge on Monday declared a new Florida voter registration law unconstitutional, ruling that its severe penalties for violations threaten free speech rights and that political parties were unfairly 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 civic groups for effectively blocking voter registration drives across the state because of huge 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.

In addition to the Democratic and Republican parties, Florida law recognizes 23 other parties such as the American Poor People Party, the Green Party of Florida, the Prohibition Party and the Surfers Party of America. All were exempt from the law.

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.

"In effect, the law would have imposed a tax on democracy and a tax on democratic participation," said Craig Siegel, attorney with the Kramer Levin law firm in New York that represented the groups challenging the law.

The decision means that voter registration drives that were on hold can now commence in advance of the Nov. 7 general election, representatives of several groups said. 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.

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.

"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," said Dianne Wheatley-Giliotti, president of the League of Women Voters of Florida.
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.

The ruling invalidating the law "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.

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. But Seitz noted that only about 5,000 registration forms were submitted too late in 2004, representing a small fraction of the 1.51 million registrations handled by individuals and third-party organizations.

The judge also rejected state arguments that the severe penalties were necessary, noting that Florida law already imposes criminal penalties intended to prevent fraud or destruction of voter registration applications.

ELECTIONS

Ruling helps voter registration groups

A federal judge in Miami stopped the state from enforcing a voter registration law that third-party groups said discriminated against them.

BY JAY WEAVER
jweaver@MiamiHerald.com

Third-party groups such as the Florida League of Women Voters, which had stopped voter registration drives because of stiff fines for violations, are back in business, thanks to a federal judge in Miami.

U.S. District Judge Patricia Seitz on Monday deemed unconstitutional a state voter registration law that affected nonpartisan groups -- but not political parties registered in Florida.

Seitz issued a preliminary injunction to stop the state from enforcing the law and rejected the state of Florida's bid to dismiss the lawsuit brought by the league and others last spring.

"The undisputed evidence demonstrates that plaintiffs have halted or significantly scaled back their voter registration operations," Seitz wrote, "and are losing valuable time to engage in core political speech and association and to add new registrants to Florida's voter rolls."

While her decision has no effect on voter registration efforts for Tuesday's primary, it means that third-party groups will be able to start up drives in time for the Nov. 7 general election.

"We're just absolutely thrilled with the ruling," said Dianne Wheatley-Giliotti, president of the Florida League of Women Voters, which has 28 chapters around the state. "Now our local leagues will get involved in doing as much voter registration as they can before the general election."

A spokesperson for Secretary of State Sue Cobb and state elections division Director Dawn Roberts -- the two defendants in the lawsuit -- said an appeal is likely.

"We respectfully disagree with the ruling that came out today and plan to take the issue up on future appeal," Ivey Sterling said.

He said state officials have not decided whether to ask the judge to put the injunction on hold until an appeal is resolved.

When the obscure voter-registration bill was passed by the GOP-controlled state Legislature last year, few took notice. It was buried in a broader election-law amendment 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 registration applications it had collected.

The allegations were never proved. State lawmakers also cited instances of Democratic- and Republican-leaning groups that refused to turn in applications because of the party affiliation listed on the form by the voter.

The now-endangered Florida law, similar to legislation in a handful of other states, applied 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.

So while the law affected the Florida League of Women Voters, Florida labor unions and and other nonpartisan groups, it left unsathed the major political parties as well as such entities as the Family Values Party, Green Party of Florida and the Surfers Party of America.

Under the law, the state could impose fines on individuals, registered agents or board members of any nonpartisan voter registration group. The law imposed 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.

'The Third-Party Voter Registration Law unconstitutionally discriminates in favor of political parties by excluding them from the definition of `third-party voter registration organization,'" Seitz said in her 48-page ruling. The law's combination of heavy, strict ... liability fines is unconstitutional as it chills plaintiffs' First Amendment speech and association rights."

The lawyers who worked pro bono on the case -- the Fort Lauderdale law firm Becker & Poliakoff and the New York-based Brennan Center for Justice -- hailed Seitz's decision as a "win for democracy."

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, deputy director of the Democracy Program at the Brennan Center.
MIAMI — A federal judge yesterday 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.

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Federal judge declares new voter registration law unconstitutional

By Vanessa Blum
South Florida Sun-Sentinel
August 29, 2006

The League of Woman Voters, labor unions and other groups promised to resume registering Florida voters in time for November's general elections, after a federal court declared a new state law unconstitutional.

A Miami federal judge blocked enforcement Monday of a controversial Florida law that imposed stiff fines on such groups for each voter registration form they submit more than 10 days after collecting it. The ruling allows the groups to continue registering voters until the Oct. 10 deadline.

U.S. District Judge Patricia Seitz said the 2005 law violates the U.S. Constitution by infringing on the groups' right to engage in free speech and association. Additionally, Seitz found the measure discriminates against third party groups because the fines do not apply to political parties.

Many organizations that canceled voter registration drives this year because of the fines plan to be out in force and registering prospective voters by Labor Day weekend.

Dianne Wheatley-Giliotti, president of the League of Women Voters of Florida, responded to the ruling with this message to local league members: "Congratulations. Go forth and make up for lost time."

"Basically, we're going to go to where the people are and give them the opportunity to get registered to vote where it's convenient and easiest for them," Wheatley-Giliotti said.

Sterling Ivey, a spokesman for the Florida Department of State, said government lawyers would appeal the decision.

The law, which took effect Jan. 1, imposed fines of $250 on organizations and individual volunteers for each voter registration application submitted more than 10 days after its collection. It also levied a $500 penalty for each application submitted after the voter registration deadline, and $5,000 for each application not submitted.

A coalition of third party groups filed suit to stop the law in May. Organization leaders said they try to submit applications as they are received but cannot risk being fined for errors outside their control -- such as an honest mistake by a volunteer.

Lawyers defending the statute said legislators passed it to protect voters from being disenfranchised because third party groups submitted their applications too late. They pointed to problems in the 2004 election season when thousands of applications reportedly came in after the deadline for voter registration.

But Seitz said the state did not demonstrate that third party groups caused the problem or that such stiff fines were necessary. Her 48-page ruling noted that Florida law already makes it a felony to knowingly obstruct or delay the delivery of a voter registration form.
"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 stated.

For the Florida chapter of the AFL-CIO, that means voter registration booths may be back out at Labor Day picnics throughout the state, said communications director Rich Templin.

"Registering new voters is just something our members have always done," Templin said.

*Vanessa Blum can be reached at vbblum@sun-sentinel.com or 954-356-4605.*

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Florida Voter Registration Law Blocked

August 29, 2006 6:16 a.m. EST

Nidhi Sharma - All Headline News Staff Writer

Miami, FL (AHN) - A federal judge on Monday blocked a Florida law that imposes huge fines on third parties that take too long to submit voter registration forms. The judge said the law threatens free speech rights and unfairly exempts political parties.

The huge financial risk has been the main cause for the criticism this law has received in addition to blocking voter registration drives.

The law came into effect on January 1 and it 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 amount to $5,000 for each form that is collected but never submitted.

The AP quotes U.S. District Judge Patricia Seitz as saying, "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."

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

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. These 23 parties are in addition to the Democratic and Republican parties.

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

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 believes that the ruling "will send a signal to officials in Florida and other states that you cannot erect unreasonable barriers to voter registration."

Voter registration drives now can start before the Nov. 7 general election. According to court documents, 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 earmarked at Oct. 10. The deadline for next week's primary has already passed.
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Updated: August 29, 2006, 10:39 am
As if Florida's Division of Elections needed to add another sorry chapter to its recent history, Secretary of State Sue Cobb is now drawing the line with the League of Women Voters. A federal judge freed the League on Monday to help register voters again this fall, but Cobb won't leave well enough alone. She's appealing the judge's ruling, in an exercise that looks as political as it does futile.

The law Cobb is trying to defend is indefensible on its face. It fines any third-party group that hands in late or incomplete voter registration forms regardless of the reason, yet exempts political parties from the sanctions. The effect is to shut down voter registration drives by those groups, which is exactly what the League was forced to do in March.

U.S. District Judge Patricia Seitz, who ruled the approach patently unconstitutional, also offered a clear legal message: "There is no evidence whatsoever that political parties are better than other nonpartisan organizations at collecting and submitting voter registration forms in a timely and responsible manner."

No evidence whatsoever.

The provision surfaced last year, with no public testimony, in a Republican-controlled Legislature that heard rumors of a group named ACORN, which was working to pass a minimum wage increase, tossing away voter application forms for prospective Republicans. No one bothered to prove those rumors, of course, and two elections supervisors told Seitz the only late forms they received in 2004 were from the political parties. In fact, the elections division identified a total of only 5,000 late forms, from all sources, which amounted to a mere 0.3 percent of all new voters for 2004.

The best that could be said of the law, then, was that it was a solution in search of problem. But the partisan underpinning suggests worse. After all, groups such as MoveOn.org and the AFL-CIO have been working feverishly to register voters as Democrats.
Aug. 30--U.S. District Judge Patricia Seitz made the right call Monday in striking down a new state voter-registration law because it denies nonpartisan groups free speech as well as discriminates against them in favor of political parties. The state Elections Department should reconsider its intent to appeal the ruling.

The Third-Party Voter Registration Law, tucked quietly into a bill dealing with other election issues, was adopted by the Legislature last year. The law went into effect Jan. 1. The League of Women voters and other nonpartisan groups challenged the law alleging that the measure's threat of harsh penalties for even unintentional violations effectively squelched voter-registration drives.

Unproven allegations

Lawmakers were responding to allegations -- never proven -- that some nonpartisan and political groups had deliberately not turned in voter-application forms collected during registration drives because the applicants had registered in the "wrong" party. Such practices, if they occur, would be deplorable and should be rejected. But the Legislature was heavy-handed and acted on unproven charges.

Under the law, the state can impose heavy fines on individuals, registered agents or board members of nonpartisan groups that don't turn in voter-registration forms to election officials within certain time limits. For example, for each registration application turned in more than 10 days after it is collected, the fine is $250. The fine for turning in a form after a voter-registration deadline is $500 -- and $5,000 for each application not turned in at all.

Law is selective

The law's two most troubling aspects are that it doesn't apply to all groups, political parties, in particular; and it doesn't allow for extenuating circumstances in which violations may inadvertently occur. Not even destruction of a group's office by a hurricane qualifies.

With a statewide annual budget of $70,000, the League of Women Voters risked bankruptcy if members mistakenly violated the rules even a few times. Grass-roots organizations are in the same boat. So the League and other groups simply stopped registering new voters.

Judge Seitz found that the law's mix of "heavy, strict" and rigid fines is 'unconstitutional as it chills plaintiffs' First Amendment speech and association rights." The judge also said the law 'discriminates in favor of political parties by excluding them from the definition of 'third-party voter registration organizations.' "

Rather than fight this ruling, it makes more sense for the state to work on rewriting the law so that it discourages groups from withholding registration forms for any reason while encouraging registration drives.
DAYTONA BEACH, Fla. - For a democratic republic, the state of Florida sure is good at finding ways to keep down the number of people who vote.

We have legislative districts computer-designed to resemble little one-party states.

We have a closed-primary law to keep anybody but party members from voting in party primaries, which are often the only elections held for U.S. and state representatives.

Florida even made it hard for anybody except the two major political parties to go out in the community and register voters.

So hard, it forced the League of Women Voters out of the voter-registration business.

But a U.S. District judge told the state last week to back off from that last law.

The law, which took effect this year, has to do with the rules for groups not associated with supervisors of elections offices that sign up new voters. And the penalties imposed if they mess up the job.

For about 10 years, a lot of groups have been registering new voters: the League of Women Voters of Florida, churches, unions, the NAACP, activist groups and political parties -- both major and minor.

These groups have a mixed record of working with local supervisors of election. On one hand, they do the kind of community outreach that supervisors' offices can't attempt for lack of manpower, and often, lack of inclination. On the other hand, they create a lot of work for the offices.

Because some groups are better than others at filling out the forms right, sweating the details and getting the forms in on time for elections.

This last problem is particularly frustrating. There have been cases of people showing up to the polls to vote only to find they were nowhere on the voter rolls.

How many cases? Hard to say. The best the state could come up with in court was evidence of about 5,000 forms turned in late in 2004. This is out of more than a million and half the registrations handled by outside groups. Which would make for a 99.997 percent success rate.

The Legislature listened to these complaints in 2005. And, as it sometimes does, it overreacted. And overreacted selectively.

The Legislature came down with deadlines, reporting requirements and a schedule of fines for sloppy form handling.

Turning in a form more than 10 days after it's received from a would-be voter: $250 per form.
Turning in a form after the deadline: $500 per form.

Lost forms: $5,000 per form.

Chance to clamp down on the activities of groups hostile to incumbent Republicans: Priceless.

And to make this extra punitive, the Legislature held individual volunteers liable for heavy fines, not just organizations.

All this didn't apply, naturally, to the two major political parties. No heavy fines for the Republican and Democratic parties.

The League of Women Voters of Florida had to stop registering voters when the law took effect. The potential for a misplaced envelope costing thousands of dollars was simply too great for an organization working with a modest budget. The AFL-CIO likewise, canceled its voter registration drive. Both groups sued to stop the law.

And U.S. District Judge Patricia Seitz ruled the law unconstitutionally favored the two major parties over any other kind of party or organization. She found its "combination of heavy, strict joint-and-several liability fines is unconstitutional as it chills (the) plaintiff's First Amendment speech and association rights."

But the state Division of Elections considers the League of Women Voters such a danger to the republic that it is appealing this ruling.

And no wonder. How much simpler elections would be if we didn't have all those pesky added voters.

Mark Lane is a columnist for The Daytona Beach (Fla.) News-Journal. He may be reached at.

LOAD-DATE: September 5, 2006
Florida has become the latest state where the courts will have to block Republican-led efforts to suppress the vote.

Last week in Miami, U.S. District Judge Patricia Seitz halted enforcement of the Third Party Voter Registration Act, which the Legislature passed in 2005. She declared it unconstitutional for the most basic of reasons: The law effectively shuts down nonpartisan voter registration drives with penalties that don’t apply to drives by political parties.

In Georgia, Missouri and Indiana, GOP legislatures approved new photo ID requirements for voting. The requirements would place an unfair burden, in time and money, on poor voters without driver licenses, and two courts in Georgia have stopped that law from taking effect. In Florida, the approach was different. The Legislature went after unions and the League of Women Voters. Unions tend to support Democratic candidates. The league seeks to register the "disenfranchised" - minorities and the poor, who tend to vote Democratic.
The tool was a system that places unreasonable demands for "prompt" reporting of voter registration applications to supervisor of elections offices, and fines that could bankrupt these organizations even if the organization was not to blame for problems with the applications. As Judge Seitz noted, the law makes voter registration drives "catastrophically risky." The league and the unions stopped their drives this year rather than face the risk.

In contrast to what have become big-money campaigns to get constitutional amendments on the ballot, voter registration drives like those the league sponsors rely on volunteers. As Judge Seitz pointed out, those civic do-gooders will not participate if they know they could face big fines for trying to increase participatory democracy. Attorneys for the secretary of state's office argued that such groups still could advocate such participation, but the league's attorneys rightly countered that helping individuals with the application is the most effective way to get them registered.

The state will appeal. It will be surprising, though, if the appeals court overturns Judge Seitz, since the discrimination is so evident. If the league and others can't hold their drives, the judge wrote, Floridians "will be stripped of an important means and choice of registering to vote and of associating with one another." The Legislature and Gov. Bush want more voters only if they are GOP voters.

LOAD-DATE: September 9, 2006
With poor turnout in Tuesday's primary, voter groups are trying to overcome apathy — and a system said to discourage voters.

By KEVIN BEGOS and KEITH EPSTEIN

The Tampa Tribune

Yet again, most Floridians had no say in an important election - because they didn't vote.

Tuesday's primary had one of the lowest turnouts in state history - about 20 percent of registered voters in Hillsborough County and statewide, according to preliminary results. And that's not counting 2 million or 3 million adults who never bothered to register.

That lack of participation often is blamed on apathy - people just not caring or seeing how it matters to them. Voters, however, aren't the only ones to blame. People in power don't always want everyone to vote.

In Florida and across the country, those in authority are making voting harder, not easier. Big money political machines are being used to boost the power of extremes on both the left and the right, with the vast middle often left out. Even seasoned politicians speak wistfully of the dwindling time they get to spend with the people they represent.

No wonder many people look at politics as a plague, said Bob Graham, a former governor and U.S senator.

"It's almost like falling into a slime pond. You don't want to get all that stuff all over you, and the best way to avoid it is to stay as far away from it as you can, including reading about it or going to polls to vote."

But some note this is a man-made slime pond. Innocent-sounding changes to voting laws often have a less than innocent effect.

"We're now increasingly seeing officials doing things that are deliberately designed to reduce the vote," said Thomas Patterson, an expert on elections and public policy at Harvard's Shorenstein Center.

For the first time since 1939, the Florida League of Women Voters decided not to hold a voter registration drive in May. The reason: a new state law subjecting such groups to heavy fines if volunteers make a mistake filling out forms.

"What the state has done is radically raise the cost of doing business for voter-registration groups," said Dianne Wheatley-Gigliotti, president of the 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."

Although a federal judge last week struck down the law, finding it unconstitutional, the ruling came long after the deadline to register for Tuesday's primary.

Sue Cobb, Florida's secretary of state, immediately appealed the ruling, which says the law "chills Plaintiffs' First Amendment speech and association rights." The final outcome might affect similar laws in Georgia, Ohio, Colorado and New Mexico, according to
In Colonial America, people spoke of the right to vote as an ideal worth dying for. Now it seems to require crass come-ons.

In Arizona this November, voters will consider a ballot initiative that would turn the election into a type of lottery, with a million-dollar prize for participating.

Tucson, Ariz., political activist Mark Osterloh led the drive for the Arizona petition. (More information can be found at voterrewards.org.)

"People are very discouraged and frustrated because they realize in a lot of ways their vote doesn't count," Osterloh said. "If we get everybody to vote, their voice will count in a very big way."

The vote-lottery plan could be put on ballots in at least 22 states, he said, and if it passes, that could cause a huge increase in voter turnout in 2008. In Arizona, the unclaimed prize fund of the state lottery would fund the voter prize.

Osterloh's idea has been controversial, but he makes no apologies. If officials across the country can make voting harder, he said, citizens have the right to make it easier.

"I've been getting calls from all around the world. Sweden, Poland, the Netherlands, Canada. They tried everything under the sun to get people to vote - and nothing worked," he said.

Dialing For Dollars

The vast amount of money it takes to run a statewide campaign also helps to increase the divide between voters and politicians.

Graham, among Florida's most popular politicians, said fundraising took up about 30 percent of his time when he was in a Senate election cycle. He estimates the median for senators is up to 45 percent of their time, sometimes for much of the six years they spend in office.

"The time I really disliked the most was when you went into a small office with a telephone, a yellow pad and a set of 3-by-5 cards with names of potential contributors, many of whom you didn't know, and calling them and asking for money. That's against almost every emotion most people have. It's so self-serving," Graham said.

One-time Ronald Reagan adviser Ed Rollins, a nationally known Republican strategist who worked for Katherine Harris, thinks disaffection stems from politics itself - and the way candidates conduct themselves.

"Part of it is the negativism in politics in the last 15 years, whether self-induced, as in Harris' case, or from the advertising," Rollins said. "And the process is so partisan, people don't think it makes a difference. Among young people, with each cycle it gets less and less important. The whole process has become a turnoff."

Rollins says it's not entirely the fault of strategists but of campaigners themselves and politicians, once they are in government.

"They're not dealing with problems of ordinary people," Rollins said.

"Once candidates stand up and say what they believe instead of what the pollster says, a lot of people will appreciate that. Of course I'm not optimistic about that." His own party, he said, worked hard to get a Republican majority. "And now look. We've become as bad as the Dems."

Simple Solutions?

Short of turning elections into lotteries, there are options that would likely boost turnout.

"In Europe, they have automatic voter registration," said Patterson, of Harvard, meaning that in many countries, if you're a citizen, you're registered.

In Florida, voters must be registered 29 days before an election, which essentially means that many people who get interested in a campaign during the final two weeks are shut out.

Australia has mandatory voting - and fines for those who don't.

"Initially, the Australian Electoral Commission will write to all apparent nonvoters requesting that they either provide a reason for their failure to vote or pay a $20 penalty," the Australian Electoral Commission said.
If the nonvoter fails to reply within 21 days with an acceptable excuse - such as illness - the fine can go up to $50, plus court costs.

Some acknowledge shortfalls in the present U.S. system but add that people who don't bother to vote bear responsibility, too.

"They're playing video games, they're drinking beer. They don't see any election as any real impact on their lives," said Julian Pleasants, a professor of history and politics at the University of Florida and author of a book on the disputed 2000 presidential election.

"People would much rather spend $500 to go one of those [NASCAR] events or $20 for a movie than they would pay $50 a year for better schools. It's short-term gratification," Pleasants said. "They haven't got a clue. They really do not have a really in-depth knowledge of what's going on in America today."

Graham and Pleasants blame the current education system, too.

"We've been graduating civic illiterates, and it shows up in a lot of consequential ways, like voter participation," Graham said.

An average student once took three semesters of civics between seventh and 12th grade, he said. But since Watergate and war in Vietnam, civics has been all but abandoned. In Florida, the FCAT doesn't test for civics at all.

That's "like teaching baseball to a team totally in the locker room and not actually attempting to play the game," Graham said, adding that more than 15 states have commissions exploring civics textbooks and class reform.

Not among them: Florida.

(CHART) DISAFFECTED VOTERS

A greater percentage of registered voters went to the polls in previous primary elections. This year's turnout was one of the lowest in the state's history.

Voter Turnout

(See microfilm for complete chart.)

* For several years, neither party had statewide races on the ballot in the second primary.

** Preliminary results, excluding Palm Beach and Lafayette counties.

Tribune graphic; Source: Florida Division of Elections

Reporter Mark Holan contributed to this report. Kevin Begos can be reached at (850) 222-8382 or .

Photo credit: Tribune photo illustration

Photo: DECISION 2006

(voter's shoe with vote sticker)

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GRAPHIC: CHART PHOTO

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**LOAD-DATE:** September 11, 2006