

**Testimony of
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Before the U.S. Senate Judiciary Committee's
Subcommittee on the Constitution, Civil Rights and Human Rights
Field Hearing in Tampa, Florida
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We thank the Committee for traveling from Washington to Florida to hold this important hearing today. We are heartened the U.S. Senate Judiciary Committee is taking a keen interest in the voting laws in Florida. As the whole nation learned in 2000, the choices made by Florida voters have a national impact.³

Dr. Martin Luther King Jr. wrote in 1957, eight years before the passage of the Voting Rights Act, "all types of conniving methods are still being used to prevent Negroes from becoming registered voters. The denial of this sacred right is a tragic betrayal of the highest mandates of our democratic traditions and it is democracy turned upside down."⁴ Sadly, these attempts to reduce the number of voters continue to this day. We urge you to consider this written testimony and ask that you act to protect the voting rights of every Floridian and American citizen.

HB 1355 is just the latest in a long line of laws designed to limit the franchise in the State of Florida.⁵ Florida legislators argue this legislation is needed to curb fraud, save money and

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² Ms. Hayden is an attorney, a former Elected Official to the School Board of Pinellas County and a former candidate for FL State Senate District 16.

³ Bush v. Gore, 531 U.S. 98 (2000).

⁴ Dr. Martin Luther King, Jr., *Give Us the Ballot*, available at

http://www.votetrustusa.org/index.php?option=com_content&task=view&id=743&Itemid=26.

⁵ H.B. 1355, 114th Reg. Sess. (Fla. 2011), available at <http://www.flsenate.gov/Session/Bill/2011/1355>.

ensure a more orderly process.⁶ However, fraud is minimal in the State as evidenced by the Florida Department of State only referring 31 cases of alleged voter fraud to the Department of Law Enforcement in the past three years.⁷ This testimony places HB 1355 in historical context, so the Committee understands this law follows the pattern of previous laws in Florida that have sought to make it harder instead of easier to vote.⁸ We will divide our discussion into two parts (1) Florida's recent history of limiting the franchise and (2) Florida's racial history of denying minorities full participation in the electoral process.

(1) Florida's Recent Forays into Curtailing Early Voting Days and Suppressing Voter Registration

In 2004, Florida began offering early voting.⁹ Studying recent elections, Democracy Fellows at the University of California Irvine Peter A. Miller and Neilan S. Chaturvedi found "Florida was [] noteworthy in the general election campaign as more than half the votes were cast early or by absentee ballot."¹⁰ HB 1355 could reverse this trend by shortening the early voting period from two weeks to one for Florida voters.¹¹

⁶ WENDY R. WEISER & LAWRENCE NORDEN, VOTING LAW CHANGES IN 2012 at 21 (Brennan Center 2011), available at http://brennan.3cdn.net/d16bab3d00e5a82413_66m6y5xpw.pdf

⁷ Lizette Alvarez, *Florida Passes Bill to Limit 3rd-Party Voter Registration*, *New York Times*, May 5, 2011, http://www.nytimes.com/2011/05/06/us/politics/06voting.html?_r=2.

⁸ To Compare Florida's recent changes to its voting laws to other recent changes in other state, see WEISER & NORDEN, VOTING LAW CHANGES IN 2012.

⁹ The Florida Senate Interim Report 2011-118 (Oct. 2010), www.flsenate.gov/Committees/InterimReports/2011/2011-118ee.pdf ("In 2004, the Florida Legislature amended s. 101.657, F.S., and introduced a standardized and mandatory process for in-person early voting in Florida elections."); *Id.* ("In 1998, the Legislature provided an opportunity for persons casting absentee ballots to do so in person at the supervisor of elections office. This form of early voting was discretionary for each supervisor of elections.").

¹⁰ Peter A. Miller & Neilan S. Chaturvedi, *Get Out the Early Vote: Minority Use of Convenience Voting in 2008*, 3 (working paper), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1644268 (referencing CHUCK TODD & SHELDON GAWISER, HOW BARACK OBAMA WON: A STATE BY STATE GUIDE TO THE HISTORIC 2008 PRESIDENTIAL ELECTION 57 (2009)). Note these authors are in the midst of revising their paper and their final figures may be revised.

¹¹ 2011 FLA. LAWS 40, available at http://laws.flrules.org/files/Ch_2011-040.pdf; see also Justin Levitt, *A Devil in the Details of Florida's Early Voting Law*, ELECTION LAW BLOG (May 23, 2011), <http://electionlawblog.org/?p=18296>.

HB 1355 has been criticized for eliminating the opportunity for voters to cast a vote on the Sunday before Election Day.¹² This was a key day for religious voters to go from the pews to the polling place to cast a ballot.¹³ In 2008 and 2010, ten counties in Florida, including our home county Pinellas, offered voting on the Sunday before the Election.¹⁴ But HB 1355 ties the hands of counties who would like to offer this option to their constituents. This compression of the voting schedule may have a pronounced impact on minority voters who took advantage of early voting in previous elections, since as *USA Today* reported, “[i]n Florida, 54% of African-American voters cast their ballots early in the 2008 general election, and blacks made up nearly a third of statewide turnout the Sunday before Election Day.”¹⁵

HB 1355 has caught the attention of election experts as the most restrictive law in the nation for voter registration drives. As election law expert Professor Justin Levitt has noted: Florida’s third party voter registration requirements “are the most restrictive provisions in the country...”¹⁶ Also experts from the Brennan Center for Justice at NYU School of Law have noted that Florida:

...enacted laws which have shut down registration drives that previously registered hundreds of thousands of citizens in those states. Florida will now

¹² Trymaine Lee, *Florida Early Voting Limits Could Negatively Affect Blacks, Latinos*, HUFFINGTON POST, Jan. 4, 2012, http://www.huffingtonpost.com/2012/01/04/limits-on-early-voting-in_n_1184134.html (quoting the NAACP “more than 32 percent of those who voted early on that last Sunday before Election Day were African American, and nearly 24 percent were Latino.”).

¹³ Jenée Desmond-Harris, *No Voting After Church?*, THE ROOT, Jan. 5, 2012.

¹⁴ Early Voting Reports, available at <https://doe.dos.state.fl.us/fvrscountyballotreports/FVRSAvailableFiles.aspx>.

¹⁵ Fredreka Schouten, *Civil Rights Groups, Democrats Fight Early-Voting Limits*, USA TODAY, Dec. 11, 2011, <http://www.usatoday.com/news/politics/story/2011-12-11/early-voting-laws-minority/51816886/1>; see also Letter to the Department of Justice from the NAACP LDF, Florida Conference of Black State Legislators and Florida State Conference NAACP, at 3 (June 17, 2011), http://naacpldf.org/files/case_issue/2011_06-17%20LDF%20joint%20statement%20to%20AG%20regarding%20Florida%20election%20laws.pdf.

(“Significantly, African Americans make up a disproportionate percentage of early voters in Florida’s covered counties. African Americans constitute only 12.15% of the voting age population in the five covered jurisdictions in Florida, but were 18.86% of early voters during the 2008 General Election, with over 41,000 African Americans voting early...”).

¹⁶ Testimony of Professor Justin Levitt, Loyola Law School, Los Angeles Before the United States Senate Committee on the Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights, *New State Voting Laws: Barriers to the Ballot?*, Sept. 8, 2011.

require groups and individuals who wish to register voters to first pre-register with the state, submit within 48 hours every voter registration application received, and keep track of every voter registration application they distribute.¹⁷

Unfortunately, this is not the first time that Florida has been down this road.¹⁸ In 2005, the state passed a law that restricted and penalized third party voter registration and was rebuffed by the courts.¹⁹ In 2007, the law was changed to be more reasonable and was upheld by the courts.²⁰ Yet with the enactment of HB 1355, Florida changed the law once more to be just as burdensome as the 2005 law in some respects and worse in others, such as giving groups who seek to register others to vote far less time to return completed registrations to the State and imposing higher fines.²¹

Younger voters such as students could also be shortchanged by HB 1355. Its new set of restrictions could even stop high school civic teachers from registering high school students to vote, a practice which had previously helped youth to become registered Florida voters.²² Voto Latino noted recently: “Florida’s efforts to suppress voters’ rights may be the most severe [in the nation] ... Florida students and others who move within the state can still update their registration at the polls, but now they will be forced to use provisional ballots, which likely

¹⁷ Statement of Lawrence D. Norden, House of Representatives Forum, *Excluded From Democracy: The Impact of Recent State Voting Changes*, (Nov. 14, 2011), http://brennan.3cdn.net/8c251e03aacf2496d9_3bm6bx1ci.pdf.

¹⁸ Martha R. Mahoney, *Democracy Begins at Home Notes from the Grassroots on Inequality, Voters, and Lawyers*, 63 U. MIAMI L. REV. 1, 22 (2008) (finding that “in 2005, Florida changed its election laws in ways that were likely to have a disproportionate effect on minority voters.”).

¹⁹ League of Women Voters of Florida v. Cobb, 447 F.Supp.2d 1314, 1322 (S.D. Fla. 2006).

²⁰ Diaz v. Cobb, 541 F.Supp.2d 1319 (S.D. Fla. 2008); Florida State Conference of the NAACP v. Browning, 522 F.3d 1153 (11th Cir. 2008).

²¹ Compare FLA. STAT. § 97.0575 (2008) (ten days to return completed registration forms) to HB 1355 (48 hours to return completed registration forms).

²² Project Vote, *Engaging the Youth Electorate through High School Voter Registration* (July 2010) (“State high school voter registration programs, such as those in Florida and Vermont, have been found to be effective in increasing voter registration and turnout among youth.”).

won't be counted."²³ And the youth-oriented group, Rock the Vote graded Florida 34th out of 50 states for its voting laws.²⁴

Attorney General Eric Holder in a recent speech about the turmoil over voting rights in the states singled out Florida. The Attorney General said:

Since January, more than a dozen states have advanced new voting measures. Some of these new laws are currently under review by the Justice Department, based on our obligations under the Voting Rights Act. . . . We're also examining a number of changes that Florida has made to its electoral process, including changes to the procedures governing third-party voter registration organizations, as well as changes to early voting procedures, including the number of days in the early voting period.²⁵

This is likely why civil rights groups have intervened in Florida's preclearance suit in order to highlight the law's negative impact for the three judge panel reviewing HB 1355 under the Voting Rights Act.²⁶ This new law has also generated a Constitutional challenge.²⁷ Once again, Florida citizens are witnesses to the sad spectacle of the State being sued by the League of Women Voters over its harsh election laws.

²³ Mary Moreno, *Restrictive Voting Laws Threaten to Disenfranchise Millions*, VOTO LATINO BLOG, Nov. 30, 2011, <http://www.votolatino.org/voting/2011/11/30/restrictive-voting-laws/>.

²⁴ Travis Pillow, *Rock the Vote: Florida voting system pretty lousy for young people*, FLORIDA INDEPENDENT, June 8, 2011, <http://floridaindependent.com/33354/rock-the-vote-florida-voting-system-pretty-lousy-for-young-people> ("Florida ranks 34 out of 50 states on Rock the Vote's national scorecard, meeting 35 percent of the group's recommendations, which are intended to serve as a 'national benchmark.'").

²⁵ *Transcript: US Attorney General Holder Criticizes Voter ID Laws, Calls For Greater Access in Speech at the LBJ Library & Museum*, December 14, 2011, <http://www.policyshop.net/home/2011/12/14/transcript-us-attorney-general-holder-criticizes-voter-id-la.html>.

²⁶ League of Women Voters of Florida, the Brennan Center, the Lawyers' Committee for Civil Rights Under Law, and the National Council of La Raza have intervened in *State of Florida v. United States of America*, Civil No. 1:11-cv-01428-CKK-MG-ESH (D.D.C.); *Branch v. Smith*, 538 U.S. 254, 262 (2003) ("Under § 5, a jurisdiction seeking administrative preclearance must prove that the change is nondiscriminatory in purpose and effect. It bears the burden of providing the Attorney General information sufficient to make that proof . . . and failure to do so will cause the Attorney General to object.").

²⁷ Press Release, Brennan Center for Justice at NYU School of Law, *League of Women Voters of Florida v. Browning*, Dec. 15, 2011 (noting that "the League of Women Voters of Florida, Rock the Vote, and the Florida Public Interest Research Group Education Fund ('PIRG') filed suit in federal court in Tallahassee challenging Florida's onerous new restrictions on community-based voter registration drives [under the First Amendment].").

(2) Florida's Racial History & the Franchise

While Florida's latest voting law has the potential for impeding voters across the board, like previous voting law choices, the worst impact is likely to fall hardest on racial and ethnic minorities. Of course, in so short a space, we cannot provide the full history of Florida's election laws, but a sample will give the Committee a sense of the history of discrimination.

A. Hispanic/Latino Voters in Florida

In Florida, Latinos account for one-in-seven (15%) of the state's eligible voters and 21.5% of the state's population.²⁸ Florida has a significant population of Latino voters for whom English is not their first language.²⁹ For example, Florida is home to many individuals originally born in Puerto Rico where Spanish is their first language.³⁰ Puerto Ricans are American by birth and once relocated to Florida, they have all the rights and privileges as other citizens including the right to vote. Florida also has a significant Cuban American population which has gained their citizenship through naturalization.³¹ Instead of embracing this diversity among the Florida electorate by offering bilingual election materials in locations with large Spanish speaking citizens, English only laws had a discriminatory effect on language-minority groups by requiring that "all county governmental meetings, hearings, and publications shall be in the English

²⁸ Mark Hugo Lopez & Paul Taylor, *The 2010 Congressional Reapportionment and Latinos*, Pew Hispanic Center, (Jan. 5, 2011), <http://www.pewhispanic.org/2011/01/05/ii-reapportionment-gains-and-hispanic-population-growth/>.

²⁹ JoNel Newman, *Unfinished Business: The Case For Continuing Special Voting Rights Act Coverage in Florida*, 61 U. MIAMI L. REV. 1, 27 (Oct. 2006) ("In the period since Congress incorporated protection of language based minorities into the Voting Rights Act, Florida's Spanish-speaking population has veritably exploded.").

³⁰ Jeanette Rivera-Lyles & Scott Powers, *Central Florida's Puerto Ricans Want Voices Heard, 300,000 In Orlando Area May Be Potent Force In 2012 Elections*, ORLANDO SENTINEL (June 13, 2011) ("more than 847,000 [Puerto Ricans] — live in Florida, up 75 percent in the past decade, according to census figures. The growth rate is even more rapid in Central Florida, where 300,000 now live.").

³¹ JoNel Newman, *Ensuring That Florida's Language Minorities Have Access to the Ballot*, 36 STETSON L. REV. 329, 332 (2007) ("In the twenty-year period from 1959 to 1979, almost one million Cuban refugees arrived in Florida after fleeing the Castro regime.").

language only” and some counties failed to provide required Spanish-language translations for absentee ballot certificates when sending these ballots to language-minority groups.³²

In 1975 Congress expanded certain provision of the Voting Rights Act to address widespread discrimination against language minorities.³³ Section 5 pre-clearance requirements were expanded “to geographic areas where a significant number of language minorities resided.³⁴ At the same time, Congress also made permanent the temporary ban on the use of literacy tests or similar devices, created the language-minority assistance provisions of Sections 203 and 4(f)(4), and added discrimination against language minorities to the scope of Section 2.”³⁵

Florida triggered the pre-clearance provision of Section 5 of the VRA by discriminating against language-minority groups in voting.³⁶ In 1975 five Florida counties, Collier, Hardee, Hendry, Hillsborough and Monroe were included as “covered” jurisdictions under the meaning of the Voting Rights Act because of their use of English only election materials that discriminated against voters with a dominant language other than English.³⁷ Under Section 4(f)(4) of the Voting Rights Act a formula resulting from the 1975 amendments covered jurisdictions if “(1) over five percent of the voting-age citizens on November 1, 1972, were members of a single language-minority group; (2) the United States Attorney General finds that election materials were provided in English only on November 1, 1972; and (3) the Director of the Census determines that fewer than fifty percent of voting-age citizens were registered to vote

³² *Id.* at 346-349.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.* at 344-346.

³⁷ George L. Waas & Mitchell D. Franks, *Implications of the Voting Rights Act on Reapportionment and Redistricting of Local Government*, 65 FLA. B. J. 20 (Oct. 1991).

on November 1, 1972, or that fewer than fifty percent voted in the November 1972 presidential election.”³⁸

The practice of not providing sufficient Spanish language voting materials is not ancient history in Florida. In 2008, in Volusia County which has a large Puerto Rican population offered only English voting materials, a potential violation of the Voting Rights Act Section 4(e). This prompted a suit by LatinoJustice/PRLDEF to rectify the situation. Only after the suit did the County come to an accord with LatinoJustice to provide Spanish language assistance in future elections.³⁹

Given this history of discrimination against Latino voters in Florida, groups working to protect the Latino vote, have been gravely concerned about the potential impact of HB 1355. Eric Rodriguez, Vice President with the Office of Research, Advocacy and Legislation at the National Council of La Raza criticized HB 1355 in the following manner, “rather than curbing fraud, the new restrictions will limit voter participation by creating unnecessary burdens on groups that are involved in registering new voters in Florida.”⁴⁰

Ironically, if the intent of the framers of HB 1355 was to subtly boost Republican voters at the expense of Democratic voters by tripping up Hispanic voters, then HB 1355 has the potential to backfire as Florida’s Hispanic voters lean Republican.⁴¹ This truly is not a partisan issue. The issue here is the ability of Floridians to exercise their constitutionally protected right to vote.

³⁸ *Id.*

³⁹ Press Release, PRLDEF, *Lawsuit results in Volusia County Accord* (April 16, 2010), http://latinojustice.org/briefing_room/press_releases/Volusia_County_Accord/.

⁴⁰ Mary Ellen Klas, *Groups Urge Feds To Throw Out Florida's Election Law For Violating Voting Rights Act*, DEMOCRACIA BLOG, July 20, 2011.

⁴¹ Mark Hugo Lopez, *The Latino Vote in the 2010 Elections*, Pew Hispanic Center, ii (Dec. 30, 2010) (“In Florida Hispanic voters gave greater support to Republican candidates than elsewhere. . . . The Hispanic vote in Florida has traditionally tilted more Republican than in other states, owing largely to the presence of the GOP-leaning Cuban-American community.”).

B. Black Voters in Florida

Latino voters are not the only group at risk under HB 1355. Florida also has a long history of discriminating against black voters as well. For example, examining Florida's purges of voters leading up to the pivotal 2000 election, it was black voters who bore the brunt of wrongful removals from the voting rolls. As Associate Professor of Public Policy at the John F. Kennedy School of Government Guy Stuart found, "this [pre 2000 election purge] attempt was plagued by error, that the errors were probably biased against registered African American voters..."⁴² And Florida's flawed procedures regarding maintenance of eligible voter list's had a disproportionate impact on minority voters.⁴³

The U.S. Commission on Civil Rights found the same disturbing pattern in 2000 after examining how ballots were counted at rates which lessened the power of minority voters. The Commission found, "[a]pproximately 11 percent of Florida voters were African American; however, African Americans cast about 54 percent of the 180,000 spoiled ballots in Florida during the November 2000 election based on estimates derived from county-level data."⁴⁴ Or as the Commission put it, "disenfranchisement of Florida voters fell most harshly on the shoulders of African Americans," who were "nearly 10 times more likely than white voters to have their ballots rejected in the November 2000 election."⁴⁵ Time after time, it is minority voters who are left shortchanged in Florida's political process.⁴⁶

⁴² Guy Stuart, *Databases, Felons, and Voting: Errors and Bias in the Florida Felons Exclusion List in the 2000 Presidential Elections*, 119(3) POLITICAL SCIENCE QUARTERLY 453, 535 (Fall 2004).

⁴³ George L. Waas & Mitchell D. Franks, *Implications of the Voting Rights Act on Reapportionment and Redistricting of Local Government*, 65 FLA. B. J. 20 (Oct. 1991).

⁴⁴ U.S. COMM'N ON CIVIL RIGHTS, VOTING IRREGULARITIES IN FLORIDA DURING THE 2000 PRESIDENTIAL ELECTION 2 (June 2001) available at <http://www.usccr.gov/pubs/vote2000/report/main.htm>.

⁴⁵ *Id.*

⁴⁶ *U.S. to Look Into Possible Irregularities at the Polls*, CHIC. TRIB., Dec. 4, 2000, at 9 (reporting on a computer analysis finding that "the more black and Democratic a precinct, the more likely a high number of presidential votes was not counted."); Kim Cobb, *Black Leaders Want Action on Florida Vote Complaints*, HOUS. CHRON., Nov. 30,

Some of Florida's troubled racial history has been unearthed in modern court cases. For example, the Eleventh Circuit Court of Appeals found in 1982, "the at-large election systems found throughout Florida were the result of a state-wide scheme to disenfranchise black voters."⁴⁷ In *Nipper v. Smith*, black voters challenged certain judicial elections.⁴⁸ In this case, the Eleventh Circuit Court of Appeals recounted the following history of Florida discrimination:

Florida employed various franchise restrictions - from the poll tax to the white primary -for decades in an attempt to restrict the access of black voters to the ballot. . . . In addition, ...a consensus among the experts[] suggested that, although little disparity exists in voter registration, black voter turnout appears to be slightly lower than white turnout. And the 'rolloff' effect - which measures the number of voters who sign in at the polls but fail to cast a vote for a particular election on the ballot - is greater among black voters than white voters.⁴⁹

Even though the Eleventh Circuit Court of Appeals denied the plaintiffs' requested relief, this case provides evidence of discrimination against minority voters,⁵⁰ such as "numerous discriminatory election practices in Florida, including at-large election schemes, white primaries, and candidate filing fees."⁵¹ In a more recent case, the Eleventh Circuit noted that racism was present in Florida's post-Civil War Constitution. The Court stated, "[w]e do not doubt that racial discrimination may have motivated certain [] provisions in Florida's 1868 Constitution such as a legislative apportionment scheme that diminished representation from densely populated black counties."⁵²

2000, at A24 ("U.S. Rep. Corrine Brown, D-Jacksonville, said that 16,000 of the 27,000 ballots left uncounted in Duval County were from predominantly black precincts.").

⁴⁷ Newman, *Unfinished Business*, at 37-38.

⁴⁸ *Nipper v. Smith*, 39 F.3d 1494 (11th Cir. 1994).

⁴⁹ Newman, *Unfinished Business*, at 43-44.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Johnson v. Bush*, No. 00-03542-CV-JLK, slip op. at 8 (11th Cir. Apr. 12, 2005).

Florida had poll taxes until 1937.⁵³ Poll taxes are one of the classic tactics to depress voter turnout among the poor, including racial minorities.⁵⁴ A few years before the federal Voting Rights Act was passed, the picture of voting rights for blacks was bleak in many parts of Florida. In 1959 and 1961, the United States Commission on Civil Rights documented lower Florida's voter registration rates for its black population compared with its white population. The Commission's 1959 Report revealed five counties in northern Florida with fewer than three percent of the voting-age blacks registered.⁵⁵ The Commission Found in 1961: "In two Florida counties no Negroes are registered to vote although they represent 15.2 percent and 11.9 percent respectively of the population. In four counties less than 10 percent of the voting age Negroes are registered. The Negro voting age population ranges between 24 percent and 51.1 percent of the total voting age population in these counties. . ."⁵⁶ The legacy of depressed black voter registration could be seen in lower numbers of black elected official from Florida. Just two decades ago, Florida lagged behind its sister states in electing African Americans to its Congressional delegation despite its large black population.⁵⁷

Florida should work to make sure it does not return to the bad old days when minority voters were disproportionately shut out of the franchise. Yet, it is in states with growing minority populations like Florida where voting restrictions are popping up. As the NAACP documented in a recent report, "[s]everal of the very states that experienced both historic participation of people of color in the 2008 Presidential Election and substantial minority

⁵³ U.S. COMM'N ON CIVIL RIGHTS, VOTING: 1961 U.S. COMM'N ON CIVIL RIGHTS REPORT, at 22 (1961), available at <http://www.law.umaryland.edu/marshall/usccr/documents/cr11961bk1.pdf>.

⁵⁴ Susan Cianci Salvatore, *Civil Rights in America: Racial Voting Rights*, 9 (2009), www.nps.gov/nhl/themes/VotingRightsThemeStudy.pdf.

⁵⁵ U.S. COMM'N ON CIVIL RIGHTS, VOTING: 1961 U.S. COMM'N ON CIVIL RIGHTS REPORT, at 28.

⁵⁶ *Id.* at 106.

⁵⁷ MALDEF, NAACP LDF, NAPALC, *The Impact of Redistricting in Your Community: A Guide to Redistricting* 11 (2000) ("prior to 1990, there were still five southern states with substantial African American populations which had not elected a single African American to Congress since the end of Reconstruction: Alabama, Florida, North Carolina, South Carolina, and Virginia.").

population growth according to the 2010 Census are the ones mounting an assault to prevent similar political participation in 2012. These states include those that experienced the largest growth in total African-American population during the last decade [including] [] Florida...”⁵⁸ Given the history of racial discrimination against black voters in Florida, civil rights groups working to increase participation by black voters are also deeply concerned about in impact HB 1355 could have on the communities they serve.⁵⁹

Conclusion

This testimony has been submitted to ask that you act to protect the voting rights of all Floridians. The state of Florida has a long history of discriminatory laws which have resulted in denying minorities full participation in the electoral process. Florida’s recent passage of HB 1355 echoes this history of using its election laws to impede voter participation. The breadth of HB 1355’s new restrictions on early voting and third party registration may cause citizens of all stripes to find it more difficult to exercise the franchise in Florida. Thank you for the opportunity to present this testimony before the U.S Senate Judiciary Committee.

⁵⁸ NAACP Legal Defense and Educational Fund, Inc. & the NAACP, *Defending Democracy: Confronting Modern Barriers to Voting Rights in America* 3 (2011).

⁵⁹ Press Release, NAACP Legal Defense and Educational Fund, *LDF Moves to Intervene on behalf of Florida NAACP and African-American Voters in Florida Voting Rights Case*, Sept. 7, 2011.