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Florida Voters Win Case Challenging Suppressive Voting Law as Judge Rules S.B. 90 Violates Voting Rights Act and U.S. Constitution

Today, a federal judge struck down Florida's suppressive voting law, S.B. 90, ruling that it violates Section 2 of the Voting Rights Act of 1965 and the First and Fourteenth Amendments to the United States Constitution. The court will also retain jurisdiction of this case for 10 years, during which Florida may not enact any law concerning drop boxes or line relief without permission from the court, known as pre-clearance.

In May 2021, on the same day Governor DeSantis signed S.B. 90 into law, the NAACP Legal Defense and Educational Fund, Inc. (LDF), with co-counsel Covington and Burling LLP and Nellie L. King Office, filed a lawsuit on behalf of the Florida NAACP, Disability Rights Florida, and Common Cause challenging S.B. 90, arguing that it created barriers and burdens that disproportionately impacted the ability of Black voters, Latino voters, and voters with disabilities to cast their ballot.

In his decision, Judge Walker wrote, "In so ruling, this Court recognizes that the right to vote, and the VRA particularly, are under siege."

"Today's decision is a huge win for Florida voters," said **LDF Senior Counsel Amia Trigg**. "This decision recognized that SB 90 is the latest stain in a long history of voting laws which restrict Black political participation. As Judge Walker acknowledged, this is part of a larger assault on voting rights that continues across the country. We're seeing the right to vote being targeted at every level of government. Therefore, it is crucial that we continue this fight. Every voice deserves to be heard in our democracy, and state officials must ensure that by making elections fair and accessible — not by creating unnecessary obstacles to the ballot box. This ruling is extremely encouraging for those of us on the frontlines."

"Today, the Northern District of Florida affirmed the right of all Florida voters, and particularly Black voters, to an election system free of the taint of racial discrimination," said **Ben Duke, partner at Covington and Burling LLP**. "Covington is proud to have assisted the Florida NAACP, Common Cause, and Disability Rights Florida in securing this win and protecting Florida

voters' constitutional rights. We look forward to continuing the work to uphold this important victory for Florida voters."

"Disability Rights Florida is proud to continue to fight for voting access and inclusive elections administration in the state alongside other Plaintiffs in this action and in conversations seeking to address barriers to voting with a disability more broadly," said **Tony DePalma, Public Policy Director for Disability Rights Florida**. "Today's ruling affirms the importance of efforts to include and account for all voices and perspectives within a representative democracy, and these are efforts that we will continue to stress in our engagements and collaborations with state and local election officials. Florida's disability communities deserve no less and should receive no less."

"Our 'government by the people' is stronger and more representative when all of us can participate in it. But as the court found today, for the past 20 years, 'Florida has repeatedly sought to make voting tougher for Black voters' as the Legislature worked to pick and choose the voters they want to participate in our government – and the voters they want to exclude. This is completely antithetical to our ideals of what a government 'by the people' ought to look like," said **Common Cause Director of Voting and Elections Sylvia Albert**. "We particularly appreciate that Judge Walker is insisting on 10 years of pre-clearance through his court."

The court struck down the below provisions in S.B. 90 challenged by the lawsuit:

- Restrictions and new requirements for standing VBM applications.
- Limitations on where, when, and how drop boxes can be used.
- A vague and overbroad prohibition on conduct near polling places, including likely criminalizing offering free food, water, and other relief to Florida voters waiting in long lines.

Read Judge Walker's decision [here](#).

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