



HARRY T. AND HARRIETTE V. MOORE VOTING RIGHTS ACT

(“FLORIDA VOTING RIGHTS ACT”)

February 2024

I. Introduction

The Florida legislature is currently considering Senate Bill 1522 and House Bill 1035, The Harry T. and Harriette V. Moore Florida Voting Rights Act (“S.B. 1522” or “FLVRA”). This landmark legislation would provide Florida with strong, comprehensive protections for what civil rights icon John Lewis called the “sacred, almost precious” right to vote.¹ It would make Florida a leader among the Southern states on voting rights and equal democracy. In addition to addressing critical local needs, S.B. 1522 would place Florida at the forefront of a national movement, building on the success of similar state-level Voting Rights Acts in New York, Connecticut, Virginia, Oregon, Washington, and California.²

S.B. 1522 builds on the foundations of the federal Voting Rights Act of 1965, as well as these other state-level Voting Rights Acts, to root out discriminatory barriers to the franchise in the Sunshine State. Its provisions would strengthen democracy for everyone in Florida—and would especially help to remove obstacles for Florida’s eligible

¹ *Rep. John Lewis: ‘Your Vote is Precious, Almost Sacred’*, PBS NewsHour (Sept. 6, 2021), <https://www.pbs.org/newshour/show/rep-john-lewis-your-vote-is-precious-almost-sacred>.

² *See* Conn. House Bill No. 6941, P.A. No. 23-204, §§ 410-418 (enacted June 12, 2023), https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=HB06941&which_year=2023 (“CTVRA”); N.Y.S. Senate Bill S1046E / N.Y.S. Assembly Bill A6678E (enacted June 20, 2023), <https://www.nysenate.gov/legislation/bills/2021/A6678> (“NYVRA”); Va. House Bill No. 1890 (2021 Session), <https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+SB1395>; Ore. Rev. Stat. § 255.400 et seq.; Wash. Rev. Code Ann. § 29A.92.900 et seq.; Cal. Elec. Code, California Voting Rights Act of 2001, § 14027 (2002); *see also* Testimony of Professor J. Morgan Kousser Before the Subcomm. on the Constitution, Civil Rights and Civil Liberties of the U.S. House Comm. on the Judiciary, Legislative Proposals to Strengthen the Voting Rights Act (Oct. 17, 2019), at 2, <https://docs.house.gov/meetings/JU/JU10/20191017/110084/HHRG-116-JU10-Wstate-KousserJ-20191017.pdf> (noting the “striking success of minorities in using the state-level California Voting Rights Act”).

voters of color, who have long been denied an equal opportunity to participate in the political process.

If enacted, S.B. 1522 would be one of the most comprehensive state voting rights acts in the nation. S.B. 1522 can help Florida turn the page on its discriminatory past, repeal harmful anti-voter legislation, and continue moving toward the goal of a truly equitable, inclusive democracy.

II. The Need for Strong Voting Rights Protections in Florida

In recent years, as attacks on election administration and democratic processes increase, the need for voting rights protections cannot be overstated. The United States Supreme Court has long described voting as a fundamental right, because it is preservative of all other rights.³ Voting is “the citizen’s link to [their] laws and government”⁴ and “the essence of a democratic society.”⁵ If the right to vote is undermined, the Court has cautioned, other rights “are illusory.”⁶ Thus, in a democracy, safeguarding the right to vote “is a fundamental matter.”⁷

Florida has a troubling history and ongoing record of racial discrimination in voting. In fact, a University of South Florida professor has described the state as a “leading innovator” of voter suppression tactics.⁸ As discussed below, barriers to the franchise persist, resulting in severe racial disparities in access to the ballot box.

A. Florida’s History of Voting Discrimination

For most of Florida’s history, the right to vote has been restricted to white men, primarily white landowners.⁹ Although Black voters made significant gains following the Civil War, after the fall of Reconstruction, Florida immediately began the work to reverse the progress made by Black voters.¹⁰ Florida’s 1885 Constitution enshrined racist obstacles to the franchise, including poll taxes, literacy tests, and grandfather clauses, each of which were designed to disenfranchise Black voters.¹¹ Other voter

³ See *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886).

⁴ *Evans v. Cornman*, 398 U.S. 419, 422 (1970).

⁵ *Harman v. Forssenius*, 380 U.S. 528, 537 (1965).

⁶ *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964).

⁷ *Reynolds v. Sims*, 377 U.S. 533, 561–62 (1964).

⁸ Darryl Paulson, *Florida’s history of suppressing blacks’ votes*, Tampa Bay Times, (October 11, 2013), <https://www.tampabay.com/news/perspective/floridas-history-of-suppressing-blacks-votes/2146546/>.

⁹ *Id.* By the beginning of the Civil War, most Black Floridians were enslaved, and none had access to the right to vote. Following the Civil War, in order for Florida to reenter the Union, the state was required to register all of its eligible voters, including Black people, and approve a new state constitution that acknowledged the end of slavery and the right to equal protection under the law without regard to race or color. As a result, thousands of Black men voted and participated in Florida’s political system for the first time. Nineteen Black men were elected to the Florida legislature and Josiah Thomas Walls became Florida’s first Black member of Congress in 1870. He would be the only Black member of Congress from Florida for the next 116 years.

¹⁰ *Id.*

¹¹ *Id.*

suppression tactics included using tissue or undersized ballots for Black voters, or requiring the placement of ballots into several different boxes with labels that illiterate Black voters could not read.¹² The largest barrier to voting, however, was the implementation of whites-only primaries, which persisted until the practice was deemed unconstitutional in 1944.¹³ Florida's Democratic Party banned Black people from participating in their elections to preserve "the purity and integrity of the party."¹⁴

Political violence and intimidation were also an oft-utilized tool to reduce Black voter turnout in Florida. In the South, following the end of the Reconstruction, the Ku Klux Klan's use of terrorism against Black residents increased significantly as KKK members sought to create fear in Black residents from exercising their newly gained rights.¹⁵ From 1890 to 1930, Florida trailed only Mississippi in lynchings per capita.¹⁶ An estimated 60 Black people were killed, and 20 homes were burned to the ground.¹⁷ In 1923, in Rosewood, every Black home was burned to the ground and 8 residents were killed.¹⁸

B. Harry T. and Harriette V. Moore

Despite the intimidation and violence inflicted upon Black people attempting to vote, activists and student organizers continued to push for desegregation and increased access at the ballot box. S.B. 1522 honors the work and legacy of Harry T. and Harriette V. Moore and builds upon their heroic efforts to empower Florida's Black voters to participate in the political process.

Harry T. Moore was a leading voting rights activist and president of the Florida NAACP at the forefront of the fight for voting rights and racial justice. Born in the Florida Panhandle in 1905, the Jacksonville Black community influenced his drive and interest to fight for the advancement of Black people in Florida.¹⁹ He and his wife, Harriette V. Moore, were both school teachers and activists when they founded the Brevard County NAACP chapter in 1934.²⁰ After the Supreme Court ruled in 1944 that all-white primary elections were unconstitutional, Harry Moore registered 31 percent of eligible Black voters, adding 116,000 members over six years to the Florida

¹² *Id.*

¹³ *Newberry v. United States*, 256 U.S. 232, 258 (1921) (holding that Congress did not have the authority to control party primaries). Only in 1944, did the Supreme Court finally declare white primaries as unconstitutional in the landmark *Smith vs. Allwright* case, litigated by LDF founder Thurgood Marshall. 321 U.S. 649, 664 (1944). Additionally, in *Davis vs. Cromwell*, the Florida Supreme Court also declared the state's white primary to be unconstitutional. 156 Fla. 181, 184, 23 So. 2d 85, 87 (1945).

¹⁴ Darryl Paulson, *Florida's history of suppressing blacks' votes*, Tampa Bay Times, (October 11, 2013), <https://www.tampabay.com/news/perspective/floridas-history-of-suppressing-blacks-votes/2146546/>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ PBS, *The Legacy of Harry T. Moore*, <https://www.pbs.org/harrymoore/harry/mbio.html>.

²⁰ *Id.*

Democratic Party.²¹ The Moores were fired from their teaching jobs for their activism, and they became full time NAACP members.²²

In 1949, Harry Moore became heavily involved with the Groveland Four case where four Black men were falsely accused of raping a white woman.²³ After the men were convicted and sentenced to death, Moore led a successful campaign to get the convictions overturned and in 1951, the Supreme Court granted the appeal and ordered a new trial.²⁴ On Christmas that same year, the KKK murdered Harry T. and Harriette V. Moore by placing a bomb under their home.²⁵

C. Continued Obstacles and Discrimination in Voting

Ten years have passed since the Supreme Court severely weakened the protections afforded by the Voting Rights Act when it undercut the “preclearance” protection in *Shelby County v. Holder*, 570 U.S. 529 (2013). For nearly 50 years, Section 5 of the federal Voting Rights Act required certain jurisdictions (including states, counties, cities, and towns) with a history of chronic racial discrimination in voting to submit all proposed voting changes to the U.S. Department of Justice (DOJ) or a federal court in Washington, D.C. for preapproval.²⁶ This requirement is commonly known as “preclearance.”²⁷

In 1972, five Florida counties—Collier, Hardee, Hendry, Hillsborough, and Monroe—became covered under the “preclearance” provisions under Section 5 of the federal Voting Rights Act due to a history of racial discrimination in voting. This meant that changes to both local policies and state laws impacting voting in these communities would be subject to review—that is until the *Shelby County* decision.²⁸ As recently as 2012, the DOJ objected to changes in Florida’s voting laws, specifically barriers to third party voter registration, and a federal court blocked the state’s changes that harmed Black voters’ ability to participate equally in the political process.²⁹ When the Supreme Court ruled that Section 4(b) of the VRA—which provided the coverage formula for

²¹ NAACP, *Harry T. and Harriette Moore*, <https://naacp.org/find-resources/history-explained/civil-rights-leaders/harry-t-and-harriette-moore>.

²² *Id.*

²³ PBS, *The Legacy of Harry T. Moore*, <https://www.pbs.org/harrymoore/harry/mbio.html>.

²⁴ NAACP, *Harry T. and Harriette Moore*, <https://naacp.org/find-resources/history-explained/civil-rights-leaders/harry-t-and-harriette-moore>.

²⁵ PBS, *The Legacy of Harry T. Moore*, <https://www.pbs.org/harrymoore/harry/mbio.html>.

²⁶ *Case: Shelby County V. Holder*, LDF, <https://www.naacpldf.org/case-issue/shelby-county-v-holder/>.

²⁷ Section 5 of the VRA paused “changes in election practices or procedures in covered jurisdictions until the new procedures have been determined, either after administrative review by the Attorney General, or after a lawsuit before the United States District Court for the District of Columbia, to have neither discriminatory purpose or effect.” See Civil Rights Division, *About Section 5 of the Voting Rights Act*, US Department of Justice, (Updated November 17, 2023), <https://www.justice.gov/crt/about-section-5-voting-rights-act>.

²⁸ See Civil Rights Division, *Jurisdictions Previously Covered By Section 5*, US Department of Justice, (Updated May 17, 2023), <https://www.justice.gov/crt/jurisdictions-previously-covered-section-5>.

²⁹ *Florida v. United States*, ACLU, <https://www.acludc.org/en/cases/florida-v-united-states>.

determining which jurisdiction would be covered under Section 5—was unconstitutional, it effectively rendered Section 5 inoperable.³⁰

Since the ruling, state governments across the country have passed racially discriminatory redistricting maps, stringent voter ID laws, bans on drop boxes, and other suppressive legislation without federal oversight.³¹ Florida is no different, as voters of color in Florida today continue to face severe racial discrimination in voting. As discussed in detail below, anti-voter laws and government decisions at the state and local levels in Florida continue to result in racial disparities in voter registration and voter turnout. Data published by the U.S. Census Bureau shows that 71.2% of non-Hispanic white citizens in Florida were registered to vote as of the November 2020 election,³² compared to only 65.4% of Black citizens, 58.7% of Latine citizens, and 56.4% of Asian citizens.³³ Similarly, 66.8% of Florida’s non-Hispanic white citizens voted in the 2020 election, compared to only 64.5% of Florida’s Black citizens, 52.7% of Florida’s Latine citizens, and 55.6% of Florida’s Asian citizens.³⁴ These disparities are the result of ongoing barriers and racial discrimination in voting in Florida.³⁵

Many factors contribute to these severe racial disparities. First, we know that nationally, Black voters and other voters of color are more likely to be unable to take time off work to vote,³⁶ more likely to be asked to vote by provisional ballot,³⁷ and are more likely to have those provisional ballots rejected.³⁸ Voters of color in Florida

³⁰ *Case: Shelby County V. Holder*, LDF, <https://www.naacpldf.org/case-issue/shelby-county-v-holder/>.

³¹ Ella Wiley, *Reflecting on the Voting Rights Landscape a Decade After Shelby County v. Holder*, LDF, <https://www.naacpldf.org/voting-rights-attorneys-on-shelby-v-holder/>.

³² U.S. Census Bureau, *Voting and Registration in the Election of November 2020* (April 2021), <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html> (Table 4b, Reported Voting and Registration, by Sex, Race and Hispanic Origin, for States: November 2020).

³³ *Id.*

³⁴ *Id.*

³⁵ Moreover, recent research indicates that the Census Bureau’s statistics on turnout may overestimate the incidence of voting among communities of color, suggesting that racial turnout disparities may be even greater than Census data reveals. See Stephen Ansolabehere, Bernard L. Fraga & Brian F. Schaffner, *The CPS Voting and Registration Supplement Overstates Minority Turnout*, *Journal of Politics* (2021), https://static1.squarespace.com/static/5fac72852ca67743c720d6a1/t/5ff8a986c87fc6090567c6d0/1610131850413/CPS_AFS_2021.pdf.

³⁶ Alex Vandermaas-Peeler et al., *American Democracy in Crisis: The Challenges of Voter Knowledge, Participation, and Polarization*, PRRI (July 17, 2018), <https://www.prii.org/research/American-democracy-in-crisis-voters-midterms-trump-election-2018/>.

³⁷ Daron Shaw, *Report on Provisional Ballots and American Elections* (June 21, 2013), http://web.mit.edu/supportthevoter/www/files/2013/08/Provisional-Ballots-Shaw-and-Hutchings.docx_.pdf; Joshua Field et al., *Uncounted Votes: The Racially Discriminatory Effects of Provisional Ballots*, *Center for American Progress* (Oct. 2014), https://cdn.americanprogress.org/wp-content/uploads/2014/10/ProvisionalBallots-report.pdf?_ga=2.111276417.42375908.1621859427-264694957.1618767359.

³⁸ Thessalia Merivaki & Daniel A. Smith, *A Failsafe for Voters? Cast and Rejected Provisional Ballots in North Carolina*, *Sage Journals* (Sept. 19, 2019).

regularly face longer lines than white voters.³⁹ As discussed in more detail below, voters of color often lack equal geographic access to polling places, early voting sites, and drop boxes. There is also no civil right of action in Florida state courts for individual voters who face intimidation at the polls. The restrictive effects of Florida's voting laws and practices are further exacerbated by troubling racial disparities in health, housing, employment, education, arrest rates and incarceration, and vehicle ownership.⁴⁰

Racial Vote Dilution in Local Elections

Florida's voters of color often face severe racial vote dilution (making some voters' voices weaker than others') at the local level as a result of the configuration of district boundaries or the use of at-large local elections that shut voters of color out of the political process altogether. For example, in Jacksonville, the City Council and School Board packed Black residents into four Council districts out of fourteen total districts, despite 54.5% of the county's population being comprised of Black residents, with the Black populations in those districts ranging from 61% to 70% Black.⁴¹

<https://journals.sagepub.com/doi/10.1177/1065912919875816>; see Joshua Field et al., *Uncounted Votes: The Racially Discriminatory Effects of Provisional Ballots*, Center for American Progress (Oct. 2014), https://cdn.americanprogress.org/wp-content/uploads/2014/10/ProvisionalBallots-report.pdf?_ga=2.111276417.42375908.1621859427-264694957.1618767359.

³⁹ See, e.g., Ashley Lopez, *Activists in Florida say Black voters have seen their political power curtailed*, NPR (Aug. 21, 2022), <https://www.npr.org/2022/08/21/1118503562/florida-black-voters-election-laws-redistricting>; Hassan Kanu, "White Democrats do not wait in long lines": Race and the ballot in Florida, Reuters (Apr. 5, 2022); <https://www.reuters.com/legal/government/white-democrats-do-not-wait-long-lines-race-ballot-florida-2022-04-05/>.

⁴⁰ See, e.g., *Health Equity in Florida*, The Commonwealth Fund (Nov. 18, 2021), <https://acrobat.adobe.com/link/review?uri=urn%3Aaaid%3Ascds%3AUS%3A93b1c670-efee-4502-9228-e2ab1bd0de9e>; *Improving health outcomes for Black and Brown Floridians*, Florida Policy Institute (Apr. 6, 2022), <https://www.floridapolicy.org/initiatives/improving-health-equity#:~:text=Florida%20Department%20of%20Health%20data,%2C%20mental%20health%2C%20and%20asthma>; Natishia June, *Racial Disparities in Florida's Criminal Justice System Are Shameful*, ACLU (June 25, 2020), <https://www.aclufl.org/en/news/racial-disparities-floridas-criminal-justice-system-are-shameful>. As Congress, courts, and academic researchers have recognized, underlying social conditions resulting from past and ongoing discrimination often interact with voting rules to cause or exacerbate disparities in the ability to participate in elections. See, e.g., *Thornburg v. Gingles*, 478 U.S. 30, 44-47 (1986). Courts have long considered "the effects of discrimination in such areas as education, employment, and health" as relevant to analyzing voting rights violations, because such conditions can "hinder [a minoritized group's] ability to participate effectively in the political process." *Id.* at 36-47 (quoting S. Rep. No. 97-417, at 28-29 (1982), reprinted in 1982 U.S.C.A.N. 177, 206-207); see also, e.g., Justin de Benedictis-Kessner & Maxwell Palmer, *Driving Turnout: The Effect of Car Ownership on Electoral Participation* 4 (Aug. 17, 2021), https://scholar.harvard.edu/files/jdbk/files/drivers_turnout.pdf ("Car access has a substantively large impact on voter turnout."); Amer. Bar Foundation, *Major Empirical Research Effort Finds Incarceration Suppresses Overall Voter Turnout* (Feb. 25, 2014), <https://www.americanbarfoundation.org/news/467>.

⁴¹ Andrew Pantazi, *Federal judge accepts Jacksonville redistricting settlement, ending racial gerrymandering case*, The Tributary, (May 30, 2023), <https://jaxtrib.org/2023/05/30/federal-judge-accepts-jacksonville-redistricting-settlement-ending-racial-gerrymandering-case/>.

Moreover, nearly two-thirds of Florida’s counties (47 out of 67) use at-large elections to elect their commissioners, a system in which everyone in the jurisdiction votes for every candidate and so a bare majority with aligned preferences can elect every representative and completely shut out other voices.⁴² The prevalence of at-large election structures—a form of election which, when combined with racially polarized voting or other relevant factors, can “operate to minimize or cancel out the voting strength of racial minorities in the voting population”—raises questions about potential vote dilution that may be going unchallenged at present.⁴³

Limited Access to Early Voting Sites, Drop Boxes, and Polling Places

Many Florida counties continue to openly deny voters, especially voters of colors, equitable access to polling places, early voting sites, and drop boxes. For example, in 2020, when Hurricane Sally and COVID-19 affected communities across Florida and disproportionately affected Black voters, a coalition of voting rights organizations advocated for additional early voting and drop box locations in Gadsden, Escambia, and Okaloosa counties, because the closest early voting sites and drop boxes were miles away for Black voters.⁴⁴ Only one additional early voting site was added in response to this advocacy, leaving Black voters with limited access to early voting sites across numerous counties.

Similarly, in 2022, after Hurricane Ian impacted Florida, Lee County officials had to shut down Lee County’s 99 traditional polling places and instead use Lee County’s 12 early voting sites as election day polling places.⁴⁵ However, those 12 early voting sites were only in predominantly white neighborhoods.⁴⁶ It was not until a coalition of voting rights organizations advocated for additional access that a new drop box was placed in a predominantly Black neighborhood.

Ongoing Voter Intimidation

In the 2020 and 2022 elections, Florida voters faced a rise in incidences of intimidation. For example, on October 20, 2020, a Miami police officer in full uniform, including a badge and gun, entered an early voting site while wearing a mask containing the logo for a political candidate, along with profanity.⁴⁷ That same day, a significant number of Florida voters received disturbing emails purportedly from the Proud Boys, a far-right organization classified in 2018 by the FBI as an “extremist group” and listed by the Southern Poverty Law Center as a hate group, threatening to

⁴² County Districting, *Florida Association of Counties*, <https://www.fl-counties.com/governance/county-districting/>.

⁴³ *Thornburg v. Gingles*, 478 U.S. 30, 47 (1986) (internal quotations and brackets omitted).

⁴⁴ Drop Boxes and Early Voting Sites in Gadsden County Advocacy Letter (Oct. 2, 2020); Drop Boxes and Early Voting Sites in Escambia County Advocacy Letter (Sept. 25, 2020); Drop Boxes in Okaloosa County Advocacy Letter (Oct. 2, 2020).

⁴⁵ Voting Access in Fort Myers Advocacy Letter (Oct. 31, 2022).

⁴⁶ *Id.*

⁴⁷ See, e.g., Sophie Lewis, *Miami officer facing discipline for wearing Trump 2020 face mask at early voting site*, CBS News (Oct. 21, 2020), <https://www.cbsnews.com/news/miami-officer-trump-2020-mask-voting-site-2020-10-21/>.

“come after” voters if they do not vote for a particular candidate.⁴⁸ It has since come to light that a foreign actor was responsible for the intimidating email.⁴⁹ In the run-up to the 2020 election, the Florida Attorney General ultimately issued a public statement warning against intimidation.⁵⁰ Also, voters now face intimidation by the state due to the creation of the Office of Election Crimes and Security (OECS), which is discussed in greater detail below.

Between January 2020 and August 2022, the Anti-Defamation League Center on Extremism recorded over 400 instances of white supremacist propaganda distribution in Florida.⁵¹ In 2021, the Southern Poverty Law Center’s Intelligence Project documented 53 hate groups⁵² and 24 antigovernment groups⁵³ operating in Florida. Since 2020, an increasing number of current and former members of the Proud Boys and election deniers have secured seats on political party executive committees in Florida, including individuals who face criminal charges for participating in the January 6 attack on the Capitol.⁵⁴ Though voting rights organizations continue to monitor voter intimidation and extremism in the democratic process, voters need more legal protections when faced with such challenges.

D. Anti-Voter Laws Recently Adopted by the Florida Legislature

The Florida legislature has also actively imposed new rules and restrictions that disparately impact the voting rights of Black and Latine people. Those anti-voter efforts

⁴⁸ Through its Election Protection work, the Florida voting rights coalition heard the greatest number of reports from voters in Alachua County, but we have also heard reports from voters in counties across the state including but not limited to Duval, Bay, Clay, Brevard, Charlotte, Broward, Marion, Collier, Orange, and Escambia. *See* Voter Intimidation and Frivolous Voter Challenges Advocacy Letter to Attorney General Moody (Oct. 22, 2020). *See* Jason Wilson, *FBI now classifies far-right Proud Boys as ‘extremist group’, documents say*, *The Guardian* (Nov. 19, 2018), <https://www.theguardian.com/world/2018/nov/19/proud-boys-fbi-classification-extremist-group-white-nationalism-report>; *see also* *Proud Boys*, Southern Poverty Law Center, <https://www.splcenter.org/fighting-hate/extremist-files/group/proud-boys>.

⁴⁹ *See* Ellen Nakashima, Amy Gardner, Isaac Stanley-Becker & Craig Timberg, *U.S. government concludes Iran was behind threatening emails sent to Democrats*, *Washington Post* (Oct. 21, 2020), <https://www.washingtonpost.com/technology/2020/10/20/proud-boys-emails-florida/>.

⁵⁰ *See* Issac Morgan, Florida Phoenix, *Civil Rights Groups Wait for Response From Attorney General Ashley Moody on Voter Intimidation Issues* (Oct. 30, 2020), <https://floridaphoenix.com/2020/10/30/civil-rights-groups-wait-for-response-from-attorney-general-ashley-moody-on-voter-intimidation-issues/> (the story was updated to include Attorney General Moody’s response).

⁵¹ Anti-Defamation League, *ADL H.E.A.T. Map (Hate, Extremism, Antisemitism, Terrorism)*, <https://www.adl.org/resources/tools-to-track-hate/heat-map>.

⁵² Southern Poverty Law Center, *In 2021, 53 Hate Groups Were Tracked in Florida*, <https://www.splcenter.org/states/florida>.

⁵³ Southern Poverty Law Center, *2021 Antigovernment Groups by State*, <https://www.splcenter.org/fighting-hate/extremist-files/ideology/antigovernment#state-by-state>.

⁵⁴ *See, e.g.*, Ned Parker, et al., ‘Stop the steal’ supporters train thousands of U.S. poll observers, *Reuters* (Oct. 13, 2022), <https://www.reuters.com/world/us/stop-steal-supporters-train-thousands-us-poll-observers-2022-10-13/>; Patricia Mazzei and Alan Feuer, *How the Proud Boys Grippped the Miami-Dade Republican Party*, *THE NY TIMES* (October 13, 2022), <https://www.nytimes.com/2022/06/02/us/miami-republicans-proud-boys.html>.

have taken on a number of forms, as detailed in the sections below. On several occasions, courts have enjoined the state's efforts to update its voter registration rolls on various grounds, including violations of the National Voter Registration Act,⁵⁵ as well as the use of unreliable procedures that had a racially disparate impact and were triggering the erroneous removal of eligible voters.⁵⁶

In recent years, Florida has also passed a spate of anti-voter laws creating deliberate barriers to voting at every step of the process, including restrictions on secure drop boxes, restrictions on vote-by-mail, a ranked-choice voting ban, restrictions on election funding, and harsh penalties on organizations conducting community voter registration. Many of these laws have been challenged in court, as detailed in the section below. Even when pro-voter laws are passed by the public, the state of Florida undermines and alters the impact of such laws.

S.B. 7066 (2019) – Barriers for Returning Citizens

In November 2018, Florida voters overwhelmingly approved Amendment 4, a constitutional amendment that automatically restored voting rights to most Floridians with past convictions who had completed the terms of their sentences.⁵⁷ In response, Florida officials crafted legislation, Senate Bill 7066, which created wealth-based hurdles to voting and significantly curtailed the actual number of the 1.4 million Floridians who are able to access that right in practice.⁵⁸ Specifically, the law required that returning citizens pay all legal financial obligations (“LFOs”) specified within the four corners of a sentencing document before registering to vote.⁵⁹

The same day the Governor signed S.B. 7066, LDF, Brennan Center, the ACLU, and the ACLU of Florida filed a lawsuit challenging the law.⁶⁰ On May 24, 2020, a federal district court ruled that “Florida's pay-to-vote” system was, in part, unconstitutional, amounting to class-based discrimination in violation of the

⁵⁵ See *Arcia v. Sec’y of Fla.*, 772 F.3d 1335 (11th Cir. 2014).

⁵⁶ See, e.g., *Lizette Alvarez*, After Mistakenly Purging Citizens, Florida Agrees to Let Them Vote, N.Y. TIMES (Sept. 13, 2012), <https://www.nytimes.com/2012/09/13/us/politics/florida-agrees-to-let-citizens-mistakenly-purged-fromrolls-to-vote.html>; Tia Mitchell, Settlement Will Keep Most Potential Non-U.S. Citizens on Florida Voter Rolls, TAMPA BAY TIMES (Sept. 12, 2012), <https://www.tampabay.com/news/politics/elections/settlement-will-keep-mostpotential-non-us-citizens-on-florida-voter-rolls/1251223/>.

⁵⁷ *LDF Urges Florida Legislators to Oppose Bills Undermining Amendment 4’s Mandate To Expand Voting Rights*, LDF, <https://www.naacpldf.org/ldf-urges-florida-legislators-oppose-bills-designed-undermine-amendment-4s-mandate-expand-voting-rights/>.

⁵⁸ *Id.*

⁵⁹ Brennan Center for Justice, *Voting Rights Restoration in Florida*, (Updated Aug. 7, 2023), <https://www.brennancenter.org/our-work/research-reports/voting-rights-restoration-efforts-florida>.

⁶⁰ Brennan Center for Justice, *Litigation to Protect Amendment 4 in Florida*, (Updated September 11, 2020), <https://www.brennancenter.org/our-work/court-cases/litigation-protect-amendment-4-florida>.

Fourteenth Amendment to the U.S. Constitution.⁶¹ In September 2020, the Eleventh Circuit Court of Appeals reversed the trial court and upheld the LFO provision.⁶²

Florida has struggled to administer S.B. 7066 because it cannot verify people's eligibility under the new system in a timely way or provide sufficient guidance to the public about who is eligible under the law's complex rules.⁶³ The state of Florida has yet to create a database that will enable returning citizens to find out if they owe any monetary obligations that restrict them from being able to register and vote. Florida Secretary of State Cord Byrd has encouraged returning citizens to contact his office to determine if they are eligible to vote, but many advocates say the process can take months and that the SOS, in some instances, continues to abdicate his responsibility to inform returning citizens if they are eligible to vote.⁶⁴

The LFO requirement in S.B. 7066 disproportionately harms Black and other racial minority returning citizens based on the well-documented and understood racial disparities in Florida's criminal justice system and Florida's racial wealth gap.⁶⁵ In the years since S.B. 7066 has been implemented, Florida officials have subsequently arrested dozens of disproportionately Black returning citizens for mistakenly registering to vote and/or voting, even when they received voter registration cards from the state.⁶⁶

S.B. 90 (2021) – Florida's Anti-Voter "Election Administration" Bill

Despite there being no evidence of fraud or irregularities in the 2020 Florida elections, months later, the Florida legislature enacted S.B. 90.⁶⁷ The law, among other things, imposed new restrictions on drop boxes, vote-by-mail ballot requests, third-party voter registration groups, providing food, water and encouragement to voters waiting in line to vote ("line relief"), and third-party ballot collection.⁶⁸ S.B. 90 and its

⁶¹ *Id.*

⁶² ACLU Florida, Brennan Center for Justice, and Legal Defense Fund, *Jones v. DeSantis Decision Explainer*, (Oct. 9, 2020), <https://www.naacpldf.org/wp-content/uploads/Jones-v-Desantis-decision-explainer-final-10.9.20.pdf>.

⁶³ *Id.*

⁶⁴ Ashley Lopez, *Advocates in Florida clamor for a fix for the formerly incarcerated who want to vote*, NPR, (May 4, 2023), <https://www.npr.org/2023/05/04/1173786694/felon-voting-database-florida-registration-card-disclaimer>.

⁶⁵ Legal Defense Fund, *Gruver v. Barton (consolidated with Jones v. DeSantis)*, (Updated Nov. 11, 2023), <https://www.naacpldf.org/case-issue/voting-with-a-felony-conviction-in-fl/>.

⁶⁶ Ashley Lopez, *Advocates in Florida clamor for a fix for the formerly incarcerated who want to vote*, NPR, (May 4, 2023), <https://www.npr.org/2023/05/04/1173786694/felon-voting-database-florida-registration-card-disclaimer>.

⁶⁷ Florida Advisory Committee to the U.S. Commission on Civil Rights, *A Report of the Florida Advisory Committee to the U.S. Commission on Civil Rights*, (August 2023), chrome-extension://efaidnbnmnibpcjpeglclefindmkaj/https://www.usccr.gov/files/2023-10/fl-voting-rights-report_2023.pdf.

⁶⁸ *Case: LDF's Lawsuit Challenging Florida's S.B. 90*, LDF, <https://www.naacpldf.org/case-issue/florida-naacp-v-lee/>.

severe restrictions on the vote-by-mail process in particular, was a direct response to unprecedented Black participation in vote-by-mail in the 2020 election.⁶⁹

S.B. 524 (2022) – Office of Election Crimes and Security

In 2022, the Florida legislature passed S.B. 524 which established the Office of Election Crimes and Security (OECS), housed in the Department of State. OECS was created to investigate elections and allegations of fraud alongside the Florida Secretary of State.⁷⁰ Shortly after the office’s creation, Governor Ron DeSantis announced the arrests of 20 people for voting, despite most if not all of these individuals having received voter registration cards.⁷¹ Most of the arrested individuals were Black, triggering more concerns about potential chilling of voting rights for marginalized communities.⁷² A few of the resulting prosecutions have been dismissed, generally on the grounds the statewide prosecutor lacked jurisdiction to bring the case.⁷³ Advocates describe OECS as being used to criminalize the election process, and target election officials who make honest mistakes and intimidate minority voters from voting.⁷⁴ The OECS also further demonstrates the dangerous consequences of the Florida government’s inability to administer its complex eligibility rules—many of which SB 7066 created or exacerbated.

E. Voting Rights Litigation in Florida

Discriminatory practices in voting by the Florida legislature and local governments have resulted in substantial litigation under the federal Constitution and

⁶⁹ *Id.* Turnout in the 2020 general election was over 77%, the highest in 28 years in Florida—despite an ongoing global pandemic. About 44% of votes were cast by mail. Over 500,000 Black voters cast mail ballots in 2020, more than twice as many as in 2016 and 2018.

⁷⁰ Caroline Sullivan, *Florida Enacts Law Creating Special Election Force and New Voting Restrictions*, Democracy Docket, (April 26, 2022) <https://www.democracymarket.com/news-alerts/florida-enacts-law-creating-special-election-force-and-new-voting-restrictions/>

⁷¹ Aja Dorsainvil, *20 Charged with Voter Fraud; DeSantis Touts New Office of Election Crimes and Security*, 5WPTV WEST PALM BEACH (Aug. 18, 2022), <https://www.wptv.com/news/state/desantis-voter-fraud-arrests>.

⁷² Wayne Washington, *Voter intimidation? Black voters over-represented among those arrested so far for election crimes*, The Palm Beach Post, (Oct. 14, 2022) <https://www.palmbeachpost.com/story/news/2022/10/10/black-voters-over-represented-among-those-arrested-election-crimes/10436294002/>.

⁷³ CBS Miami Team, *3rd Case Brought by Gov. Ron DeSantis’ Election Police Dismissed*, CBS MIAMI (Dec. 24, 2022), <https://www.cbsnews.com/miami/news/3rd-case-brought-by-gov-ron-desantis-election-police-dismissed/>; see also Miles Cohen, *Florida Voter Has Election Fraud Charges Touted by DeSantis Dismissed*, ABC NEWS (Oct. 21, 2022), <https://abcnews.go.com/US/voter-fraud-charge-dismissed-florida-arrest/story?id=91858299>; see also Lawrence Mower, *Prosecutors Drop Charges Against DeSantis’ Voter Fraud Suspect*, TAMPA BAY TIMES (Nov. 21, 2022), <https://www.tampabay.com/news/florida-politics/2022/11/21/tampa-illegal-vote-desantis-voter-fraud-arrestcharges-dropped-hillsborough/>.

⁷⁴ Mannal Haddad, *Florida Legislature Approves Bill to Establish Sham Election Crimes Agency*, Campaign Legal Center, (March 9, 2022), <https://campaignlegal.org/update/florida-legislature-approves-bill-establish-sham-election-crimes-agency>.

federal VRA in recent years. The list of cases included below represents only a fraction of the voting rights litigation in Florida in recent years.

Even though plaintiffs alleging voting rights violations did not prevail in all of these cases, the volume and severity of federal VRA litigation highlights the hostility of the Florida legislature and some localities to the right to vote. Many of these cases also demonstrate the years-long processes that voters must endure in the courts to understand what obstacles they will face at the polls or what district maps will be in place when they vote. These and other cases in Florida also highlight the desperate need for a more streamlined and efficient framework to protect the franchise for voters of color.

League of Women Voters v. Florida Secretary of State

In 2022, a federal judge struck down several provisions in S.B. 90, the suppressive voting law enacted by the state legislature following the 2020 election, ruling that it violated Section 2 of the Voting Rights Act of 1965 and the First and Fourteenth Amendments to the United States Constitution.⁷⁵ However, in April 2023, the 11th Circuit reversed the lower court decision in substantial part, preventing the state from enforcing part of the new solicitation provision on vagueness grounds, but leaving in place some of the restrictive measures and remanding the case back to the trial court to consider the constitutionality of the drop-box and registration-delivery provisions.⁷⁶ The 11th Circuit affirmed the lower court ruling that a portion of S.B. 90's solicitation provision was unconstitutionally vague and remanded the case to the trial court to review plaintiffs' claims under the First and Fourteenth Amendments. In February 2024, the district court dismissed the remainder of plaintiffs' claims.

Florida Rights Restoration Coalition v. DeSantis

In July of 2023, the Florida Rights Restoration Coalition and four individuals with former felony convictions filed a lawsuit against numerous Florida officials including Gov. Ron DeSantis and Secretary of State Cord Byrd, challenging Florida's onerous and inconsistent system for voting rights restoration.⁷⁷ In addition to the defendants' misconduct regarding rights restoration, the plaintiffs also challenge S.B. 524, which created OECS, asserting that an "election police" unit is unnecessary and primarily serves to intimidate individuals with prior felony convictions in order to stop them from registering to vote.⁷⁸ The parties currently await a ruling on the Defendants' motion to dismiss.⁷⁹

⁷⁵ *League of Women Voters of Fla., Inc. v. Lee*, 566 F. Supp. 3d 1238, 1244 (N.D. Fla. 2021).

⁷⁶ *League of Women Voters of Fla., Inc. ("LWV") v. Lee*, 595 F. Supp. 3d 1042 (M.D. Fla. 2022) ("LWV I"), stay granted, *LWV v. Fla. Sec'y of State*, 32 F.4th 1363 (11th Cir. 2022) ("LWV II").

⁷⁷ Complaint at 6, *Florida Rights Restoration Coalition et. al v. DeSantis et. al.*, No. 23-cv-22688 (S.D. Fl., July 19, 2023), <https://www.democracymocket.com/wp-content/uploads/2023/07/1-2023-07-19-complaint.pdf>.

⁷⁸ *Id.*

⁷⁹ *Florida Voting Rights Restoration Process Challenge*, Democracy Docket, <https://www.democracymocket.com/cases/florida-voting-rights-restoration-scheme-challenge/>.

Jacksonville Branch of the NAACP v. City of Jacksonville

In 2022, a coalition of civil rights organizations including the Jacksonville Branch of the NAACP, the Northside Coalition of Jacksonville, the Northeast Chapter of the ACLU of Florida, Florida Rising, and ten individual city residents filed a lawsuit challenging several of Jacksonville’s newly drawn City Council and School Board districts for packing Black residents into four Council districts out of fourteen total districts, despite 54.5% of the county’s population being comprised of Black residents, with the Black populations in those districts ranging from 61% to 70% Black.⁸⁰ The district court granted the plaintiffs’ motion for a preliminary injunction after finding they were likely to prevail on their racial gerrymandering claims.⁸¹ On May 30, 2023, the court approved a settlement agreement ensuring the plaintiffs’ fairer alternative maps would be adopted.⁸²

Grace Inc. v. City of Miami

On December 15, 2022, a coalition of community and civil rights organizations and Miami voters filed a federal lawsuit against the City of Miami challenging the Miami City Commission’s new redistricting plan as racially gerrymandered in violation of the 14th Amendment’s Equal Protection Clause.⁸³ The plaintiffs alleged the new Commission districts were drawn primarily based on race, reinforcing racial stereotypes and reducing the influence of Black and Latine voters on local elections, without any compelling interest such as compliance with the Voting Rights Act.⁸⁴

The lower federal court enjoined the use of a new map the City of Miami had drawn and ordered the parties to enter into supplemental mediation.⁸⁵ After an impasse between the two parties, the City of Miami passed a replacement plan, and the Plaintiffs filed objections to the replacement plan.⁸⁶ The lower federal court sustained the Plaintiffs’ objections and ordered one of the Plaintiffs’ proposed plans be used.⁸⁷ The City of Miami appealed to the 11th Circuit, which then fully stayed the District Court’s order arguing the election was too close to enjoin the use of the redrawn map and allowed the City’s replacement plan to be used.⁸⁸ Plaintiffs then sought an emergency stay of the City’s replacement plan from the Supreme Court and the Court denied the

⁸⁰ Andrew Pantazi, *Federal judge accepts Jacksonville redistricting settlement, ending racial gerrymandering case*, The Tributary, (May 30, 2023), <https://jaxtrib.org/2023/05/30/federal-judge-accepts-jacksonville-redistricting-settlement-ending-racial-gerrymandering-case/>.

⁸¹ Jacksonville Branch of NAACP v. City of Jacksonville, 635 F. Supp. 3d 1229, 1239 (M.D. Fla. 2022), appeal dismissed, No. 22-13544-HH, 2023 WL 2966338 (11th Cir. Jan. 12, 2023).

⁸² Jacksonville Branch of NAACP v. City of Jacksonville, No. 3:22-CV-493-MMH-LLL, 2023 WL 4277423, at *1 (M.D. Fla. May 30, 2023).

⁸³ *GRACE, Inc. v. City of Miami*, No. 1:22-CV-24066-KMM, 2023 WL 3594310, at *1 (S.D. Fla. May 23, 2023), *appeal dismissed*, No. 23-11854-D, 2023 WL 5624206 (11th Cir. July 13, 2023).

⁸⁴ *Id.* at 4.

⁸⁵ *Id.* at 68.

⁸⁶ *Grace Inc. v. City of Miami*, The American Redistricting Project, <https://thearp.org/litigation/grace-inc-v-city-miami/>.

⁸⁷ *Id.*

⁸⁸ *GRACE, Inc. v. City of Miami*, No. 23-12472, 2023 WL 5286232, at *5 (11th Cir. Aug. 4, 2023)

request for a stay and left the City’s racially gerrymandered map in place pending trial, which remains pending.⁸⁹

Bradford County Branch of the NAACP v. City of Starke

In 1986, the Bradford NAACP and individual plaintiffs filed class actions against Bradford County, the School Board, and the City of Starke, claiming that their at-large elections diluted Black voting strength in violation of Section 2 of the Voting Rights Act. All three cases resulted in judgments implementing single-member district plans with one majority-Black district.⁹⁰ However, up until 2021, the districts had not been changed since 1989, although population changes had made the districts unequal in size and diluted the Black vote.⁹¹

In 2022, a group of voting rights organizations brought a new lawsuit to develop a new redistricting map that would better protect Black voters’ political participation.⁹² In 2023, a federal judge granted a request to approve a new map for Bradford County Commission districts, amending a consent decree in the 1986 lawsuit.⁹³ In this case, elected officials and community members collaborated on reaching a consensus to redraw the maps in an equitable way.⁹⁴

United States v. The School Board of Osceola County

On April 23, 2008, a federal court approved a consent judgment and decree in a lawsuit challenging the districting plan for Osceola County’s School Board under Section 2 of the Voting Rights Act. The Department of Justice alleged that the boundaries of the existing single-member districts diluted Hispanic voting strength by dividing the largest Hispanic population concentration between two districts such that neither district was majority- Hispanic. The consent judgment and decree, in which the parties stipulated that the existing districts violated Section 2, provided for a new plan which included one district with a Hispanic voter registration majority.

F. Current Limitations of the Federal Voting Rights Act

The existing federal legislation does not fully address the need for voting rights protections in Florida and other states. Although the individual and collective provisions of the federal VRA have been effective at combatting a wide range of barriers and burdens,⁹⁵ federal courts have weakened some of the federal VRA’s protections in

⁸⁹ *GRACE, Inc. v. City of Miami*, 144 S. Ct. 45 (2023); see *GRACE, Inc. v. City of Miami*, No. 22-cv-24066 (S.D. Fla.).

⁹⁰ *Bradford Cty. NAACP v. City of Starke*, 712 F. Supp. 1523 (M.D. Fla. 1989).

⁹¹ *Federal Court Approves Bradford County Redistrict Map and Amends Voting Rights Act Decree*, ACLU Florida (Sept. 28, 2023), <https://www.aclufl.org/en/press-releases/federal-court-approves-bradford-county-redistricting-map-and-amends-voting-rights-act>.

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ Myrna Pérez, *Voting Rights Act: The Legacy of the 15th Amendment*, Brennan Center for Justice at NYU School of Law (June 30, 2009), <https://www.brennancenter.org/our-work/analysis-opinion/voting-rights-act-legacy-15th-amendment>.

recent years, making it increasingly complex and burdensome for litigants to vindicate their rights under the law. As a result, despite the federal VRA's importance, voters of color often face significant barriers to participating in the political process and electing candidates of their choice.

For nearly 50 years, Section 5 of the federal VRA, the core provision of the legislation, protected millions of voters of color from racial discrimination in voting by requiring certain states and localities to obtain approval from the federal government *before* implementing a voting change.⁹⁶ Since 1972, this included five Florida counties. However, in *Shelby County, Alabama v. Holder*, the United States Supreme Court rendered Section 5's "preclearance" process inoperable by striking down Section 4(b) of the VRA, which identified the places where Section 5 applied.⁹⁷ As the late Justice Ruth Bader Ginsburg noted in her dissent to the *Shelby* decision: "Throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet."⁹⁸

Predictably, the *Shelby County* decision unleashed a wave of voter suppression in states that were previously covered under Section 4(b).⁹⁹ The *Shelby* decision allowed state and local governments to roll out discriminatory voter suppression schemes virtually unchecked, including barriers to voter registration, cuts to early voting, purges of the voter rolls, strict photo identification requirements, and last-minute polling place closures and consolidations.¹⁰⁰ At its pre-*Shelby* strength, Section 5 would have prevented many of the voter suppression schemes that voters of color have encountered since 2013.

This onslaught accelerated after the 2020 election. Despite a global pandemic and persistent racial disparities in voter participation, 2020 saw historic levels of participation both overall and by voters of color.¹⁰¹ Voters overcame obstacles and unnecessary barriers to make their voices heard—and the robust turnout engendered a swift backlash among those who fear the inclusive, multiracial democracy the U.S. can and must become. Following that election, in 2021, state lawmakers introduced more than 440 bills with provisions that restrict voting access in 49 states, and 34 such

⁹⁶ 52 U.S.C. § 10304.

⁹⁷ See *Shelby Cty, Ala. v. Holder*, 570 U.S. 529, 557 (2013).

⁹⁸ *Id.* at 590 (Ginsburg, J., dissenting).

⁹⁹ See LDF, *Democracy Diminished*, (Oct. 6, 2021), https://www.naacpldf.org/wp-content/uploads/Democracy-Diminished_-10.06.2021-Final.pdf; see also LDF, *A Primer on Sections 2 and 3(c) of the Voting Rights Act 1* (Jan. 5, 2021), <https://www.naacpldf.org/wp-content/uploads/LDF-Sections-2-and-3c-VRA-primer-1.5.21.pdf>.

¹⁰⁰ *Id.*; U.S. Commission on Civil Rights, *An Assessment of Minority Voting Rights Access in the United States: 2018 Statutory Report* (2018), https://www.usccr.gov/pubs/2018/Minority_Voting_Access_2018.pdf.

¹⁰¹ Kevin Morris & Coryn Grange, *Large Racial Turnout Gap Persisted in 2020 Election*, Brennan Center for Justice at NYU School of Law (Aug. 6, 2021), <https://www.brennancenter.org/our-work/analysis-opinion/large-racial-turnout-gap-persisted-2020-election>.

laws were enacted.¹⁰² This wave of harmful legislation shows no signs of abating—between January 1 and December 31, 2023, at least 14 states enacted 17 restrictive anti-voter laws and 6 states enacted 7 election interference laws.¹⁰³

Section 2 of the federal VRA offers a private right of action—which means that a person is legally entitled to file a lawsuit—regarding any voting practice or procedure that “results in a denial or abridgment of the right of any citizen of the United States to vote on account of race.”¹⁰⁴ But Section 2 litigation imposes a high bar for plaintiffs. Such cases are expensive and can take years to reach resolution.¹⁰⁵ Section 2 lawsuits generally require multiple expert witnesses for both plaintiffs and defendants.¹⁰⁶ Plaintiffs and their lawyers risk at least six- or seven-figure expenditures in Section 2 lawsuits.¹⁰⁷ Individual plaintiffs, even when supported by civil rights organizations or private lawyers, often lack the resources and specialized legal expertise to effectively prosecute Section 2 claims.¹⁰⁸ Moreover, even when voters ultimately prevail in the lawsuits, several unfair elections may be held while the litigation is pending, subjecting voters to irreparable harm.¹⁰⁹ Due to these challenges, some potential Section 2 violations are never identified, addressed, or litigated in court.¹¹⁰

Section 2 claims are also expensive for jurisdictions to defend, regularly costing states and localities considerable amounts of taxpayer money. For example, when the Jacksonville City Council and civil rights organizations reached a settlement in a recent redistricting case, the city was obligated to pay a reduced settlement amount of \$100,000 in plaintiff legal fees after having spent at least \$150,000 in fees to defend its

¹⁰² Brennan Center for Justice at NYU School of Law, *Voting Laws Roundup: December 2021* (Jan. 12, 2022), <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-december-2021>.

¹⁰³ Brennan Center for Justice at NYU School of Law, *Voting Laws Roundup: 2023 in Review* (Jan. 18, 2024), <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2023-review>.

¹⁰⁴ 52 U.S.C. § 10301.

¹⁰⁵ Voting Rights Act: Section 5 of the Act – History, Scope, and Purpose: Hearing Before the Subcomm. on the Constitution of the H. Comm. on the Judiciary, 109th Cong. 92 (2005) (“Two to five years is a rough average” for the length of Section 2 lawsuits).

¹⁰⁶ LDF, *The Cost (in Time, Money, and Burden) of Section 2 of the Voting Rights Act Litigation 2* (Feb. 2021), <https://www.naacpldf.org/wp-content/uploads/Section-2-costs-2.19.21.pdf>; see also, e.g., Mike Faulk, *Big Costs, Heavy Hitters in ACLU Suit Against Yakima*, Yakima Herald (Aug. 10, 2014), https://www.yakimaherald.com/special_projects/aclu/big-costs-heavy-hitters-in-aclu-suit-against-yakima/article_3bcce20-ee9d-11e4-bfba-f3e05bd949ca.html.

¹⁰⁷ LDF, *supra* note 69, at 2.

¹⁰⁸ Voting Rights and Election Administration in the Dakotas: Hearing Before the Subcomm. on Elections, 116th Cong. 64 (2019).

¹⁰⁹ *Shelby County*, 572 U.S. at 572 (Ginsburg, J., dissenting) (“An illegal scheme might be in place for several election cycles before a Section 2 plaintiff can gather sufficient evidence to challenge it.”).

¹¹⁰ Congressional Authority to Protect Voting Rights After *Shelby County v. Holder*: Hearing Before the Subcomm. on the Constitution, Civil Rights and Civil Liberties of the H. Comm. on Judiciary, 116th Cong. 14 (Sept. 24, 2019) (Written Testimony of Professor Justin Levitt).

discriminatory maps.¹¹¹ When litigation is prolonged, costs on taxpayers can climb even higher. The East Ramapo Central School District in New York State paid its lawyers more than \$7 million for a Section 2 lawsuit brought by the local NAACP branch—and, after the NAACP branch prevailed, was ordered to pay over \$4 million in plaintiffs’ attorneys’ fees and costs as well.¹¹² In *Veasey v. Abbott*, the federal lawsuit in which LDF challenged the State of Texas’s Voter ID law with other civil rights groups and the U.S. Department of Justice (DOJ), the district court and the Fifth Circuit Court of Appeals required Texas to pay more than \$6.7 million toward the non-DOJ plaintiffs’ documented litigation costs.¹¹³

Above and beyond its complexity and cost, litigation under Section 2 of the federal VRA simply cannot keep up with the urgency of the political process. Because elections occur frequently, discriminatory electoral maps or practices can harm voters almost immediately after governments change voting rules. However, on average, Section 2 cases can last two to five years, and unlawful elections often take place before a case can be resolved.¹¹⁴

III. The FLVRA Provides Comprehensive Protections to Address Discriminatory Barriers to the Franchise.

By enacting the FLVRA, Florida has the opportunity to implement several critical measures to restore and complement protections modeled on the federal VRA and expand the tools available to voters facing discrimination. The FLVRA can provide efficient, practical ways to identify and resolve barriers to equal participation in local democracy. In addition, it would require local governments with recent records of discrimination to “preclear” certain voting changes *before* they can be implemented, preventing harm to voters. It can also expand language assistance for voters with limited English proficiency and promote transparency by creating a central, publicly accessible hub for election data and information. It would also strengthen state-level protections against voter intimidation, deception, and obstruction at a time when extremism and political violence are surging among hate and election conspiracy groups. Each of these provisions is powerful and critically needed in Florida.

¹¹¹ Hanna Holthaus, *Jacksonville City Council approves redistricting settlement 15-3*, Jacksonville.com, *May 9, 2023), <https://www.jacksonville.com/story/news/politics/government/2023/05/09/jacksonville-city-council-approves-redistricting-settlement-in-racial-gerrymandering-case/70200644007/>; Hanna Holthaus, *Legal costs are climbing in Jacksonville redistrict fight*, JAXTDY, (Jan. 12, 2023), <https://jaxtoday.org/2023/01/12/legal-costs-are-climbing-in-jacksonville-redistricting-fight/>.

¹¹² Jennifer Korn, *ERCSD Threatens to Fire Teachers if Legal Fees Not Cut to \$1: NAACP Leaders Respond*, Rockland County Times (Jan. 21, 2020), <https://www.rocklandtimes.com/2021/01/21/ercsd-threatens-to-fire-teachers-if-legal-fees-not-cut-to-1-naacp-leaders-respond/>; Report and Recommendation, *NAACP, Spring Valley Branch v. East Ramapo Central School Dist.*, No. 7:17-08943-CS-JCM (S.D.N.Y. Dec. 29, 2020).

¹¹³ See Mike Scarcella, *5th Circuit upholds \$6.7 mln in fees for plaintiffs in voting rights case*, Reuters (Sept. 4, 2021), <https://reut.rs/3tN14L7>.

¹¹⁴ See sources cited *supra* notes 69-70; see also *Shelby Cty*, 570 U.S. at 572 (Ginsburg, J., concurring) (“An illegal scheme might be in place for several election cycles before a Section 2 plaintiff can gather sufficient evidence to challenge it.”).

A. Causes of Action to Address Vote Suppression and Dilution

Section 10 of S.B. 1522 provides voters of color, as well as organizations that represent or serve them, with a private right of action against a local government, state agency, or state official that adopts policies or practices that result in the impairment or dilution of minority voting strength. The bill incorporates common-sense improvements on federal law, modeled on provisions in similar laws in Connecticut, New York, California, and other states, to make it more efficient for voters with meritorious claims to prove their cases in Florida state courts. S.B. 1522 also allows for additional enforcement of these measures by the FLVRA Commission and Attorney General.

Voter suppression. Section 10 of S.B. 1522 provides an efficient framework for litigating voter suppression claims. The bill can enable voters of color to address practices that create barriers to their access to the ballot, including, among other things, inaccessible or insufficient polling locations and improper election administration decisions or equipment allocations that lead to longer lines.¹¹⁵ These provisions are especially important in Florida, where voters of color have been routinely and disproportionately affected by long lines at polling places. Included in S.B. 1522 are rebuttable presumptions that a violation exists, including but not limited to any of the following: polling place closures; failure to provide language access; off-cycle elections that result in racial disparity in turnout (even if the date of election is proscribed by state law); or failing to call a special election for a vacancy in a reasonable timeframe.¹¹⁶

Vote dilution. Section 10 is also designed as an effective means of identifying and resolving racial vote dilution claims. Modeled on the success of the California Voting Rights Act, as well as measures enacted in Connecticut and New York, the FLVRA will also create a clear and straightforward framework for contesting at-large municipal elections that dilute minority voting strength.¹¹⁷ The bill also provides a practical framework for contesting unfair district-based or alternative methods of election, if those methods interact with the presence of racially polarized voting or other circumstances to impair equal voting rights and create a situation “in which the candidates or electoral choices preferred by protected class members would usually be defeated.”¹¹⁸ S.B. 1522 will make this type of litigation less time-intensive and less costly than litigation under the federal VRA—not only for plaintiffs, but for jurisdictions and all parties. These provisions are especially important in Florida because of the number of local governments that currently use at-large elections, which have substantial potential to discriminate against voters of color who are not able to form a majority in a jurisdiction, either on their own or with other likeminded voters.¹¹⁹

Notification of potential violations and safe harbor for local governments. Section 10(7) of S.B. 1522 includes important “safe harbor” and

¹¹⁵ S.B. 1522 § 10(1) and 10(2).

¹¹⁶ *Id.* § 10(2)(a)-(f).

¹¹⁷ *Id.* § 10(3)(b).

¹¹⁸ *Id.* § 10(4)(e).

¹¹⁹ *Supra* Section C.

notification provisions that protect local governments who wish to prevent discrimination and work collaboratively with their constituents to resolve potential violations without litigation.¹²⁰ Prospective plaintiffs under S.B. 1522’s measures are required to notify local governments in writing of any alleged violation before commencing any action in court, unless they are challenging a newly enacted practice or there is evidence that a notification letter would be futile.¹²¹ Local governments are then afforded a “safe harbor” period of 50 days during which they may take steps to cure the alleged violation without exposure to litigation. These provisions incentivize local governments to resolve violations amicably, collaboratively, and outside of court. In California, a similar notification and safe harbor procedure has proven highly successful at accomplishing these goals—at least 140 California jurisdictions have voluntarily resolved potential voting rights violations since the California Voting Rights Act was enacted.¹²²

B. Preclearance

Section 11 of S.B. 1522 creates a “preclearance” program administered by the Florida Voting Rights Act Commission (“FLVRA Commission”), a new independent commission created by the FLVRA to administer the provisions of this bill. The preclearance provisions are modeled in part on the preclearance programs enacted by New York State in 2022 and Connecticut in 2023, which were based in turn upon the federal VRA.¹²³

Through this program, local governments with recent civil rights violations or other indicators of discrimination would be required to obtain approval from the FLVRA Commission before changing certain key voting rules or practices.¹²⁴ The FLVRA’s preclearance program would require these local governments to demonstrate that changes will not diminish the ability of members of racial or language minority groups to participate in the political process or otherwise violate the FLVRA *before* the changes can be implemented, and thus prevents local governments from adopting changes that would violate the bill.¹²⁵ Critically, with respect to the federal VRA, the Supreme Court did not strike down the concept of preclearance, but only the particular

¹²⁰ S.B. 1522 § 10(7).

¹²¹ *Id.* § 2(g)(2)(A); *id.* § 2(g)(2)(G).

¹²² Lawyers’ Comm. for Civil Rights of the S.F. Bay Area, *Voting Rights Barriers & Discrimination In Twenty-First Century California: 2000-2013* 7 (2014), <https://www.reimaginepe.org/files/Voting-Rights-Barriers-In-21st-Century-Cal-Update.pdf>.

¹²³ NYVRA § 17-210; CTVRA § 413; 52 U.S.C. § 10303.

¹²⁴ *See* S.B. 1522 § 11. The FLVRA Commission will have its own staff and budget to enforce the Florida Voting Rights Act. The FLVRA Commission will be composed of five commissioners, each of whom shall serve a staggered 5-year term. A nominating committee comprised of non-profit organizations shall identify qualified candidates to serve as commissioners. *See id.* § 11(1).

¹²⁵ In order to effectuate the preclearance program, the FLVRA Commission may subpoena witnesses; administer oaths; examine individuals under oath; determine material facts; and compel the production of records, books, papers, contracts, and other documents in accordance with the Florida Rules of Civil Procedure to identify changes that would have a discriminatory impact in advance and prevent them from going into effect. *Id.* § 11(3).

framework Congress used to determine which jurisdictions would be covered by its protections,¹²⁶ so states are free to create well-tailored programs of their own.

As Congress recognized in 1965, case-by-case litigation alone is inadequate—too slow and too costly—to eradicate voting discrimination and prevent its resurgence.¹²⁷ Even if voters of color can muster the resources to sue, the discriminatory practices or procedures they challenge can remain in effect for years while litigation is pending. Preclearance relieves voters facing discrimination of the substantial burdens of litigation by “shifting the advantage of time and inertia” from the jurisdiction to the voters themselves.¹²⁸ Thus, instead of voters having to go to court to prove that new election laws and practices are discriminatory, jurisdictions with a history of discrimination must show that new voting laws and practices are *not* discriminatory. For example, when a polling site in a covered municipality is relocated, preclearance will ensure that local officials first justify the shift and show the change is not harmful to voters of color, instead of requiring voters to sue after the fact.

Preclearance at the federal level was effective at protecting voters of color without unduly burdening local election officials. In fact, some covered jurisdictions appreciated preclearance because the process ensured the use of best practices for fostering political participation, particularly among voters of color.¹²⁹ Covered jurisdictions also made clear that they viewed preclearance as a way to prevent expensive and prolonged litigation.¹³⁰ As Travis County, Texas, wrote concerning its own preclearance obligations in a brief defending the constitutionality of Section 5 of the federal VRA in 2009: “If ever there were a circumstance where an ounce of prevention is worth a pound of cure, it is in the fundamental democratic event of conducting elections free of racially discriminatory actions.”¹³¹

Unlike the federal VRA, which required covered jurisdictions to obtain preclearance for all voting-related changes, the FLVRA only requires preclearance for an enumerated set of changes that have been shown to have the potential for discriminatory outcomes.¹³² Where warranted by recent violations, or where a jurisdiction voluntarily requests to be covered by preclearance to ensure that any new voting laws or practices do not unintentionally harm voters of color, the FLVRA’s preclearance program would provide expert review of local election administration decisions, including polling-place designations, to ensure they do not lead to long lines and unreasonable wait times. Critically, coverage for preclearance under the FLVRA is

¹²⁶ See *Shelby Cty, Ala. v. Holder*, 570 U.S. 529, 557 (2013).

¹²⁷ *South Carolina v. Katzenbach*, 383 U.S. 301, 314 (1966).

¹²⁸ *Id.*

¹²⁹ See, e.g., Brief for the States of New York, California, Mississippi, and North Carolina as *Amici Curiae* in Support of Respondents, at 3, *Shelby County, Ala. v. Holder*, No. 12-96 (U.S. 2013), (describing preclearance as “a streamlined administrative process” that “fosters governmental transparency” and “provides substantial benefits to covered States and localities”).

¹³⁰ See, e.g., *id.* at 8-10.

¹³¹ Brief of Appellee Travis County, *Nw. Austin Municipal Utility District No. 1 v. Holder*, 08-322 at 11 (2009), https://campaignlegal.org/sites/default/files/FINAL_TRAVIS_COUNTY_BRIEF.pdf.

¹³² See S.B. 1522 § 14.

time-bound, with Section 14 providing the criteria for which jurisdictions would be covered based off past discrimination or violations for a set number of years.¹³³ This ensures that coverage responds to current conditions. It also means that jurisdictions are not covered in perpetuity; instead, they can leave coverage automatically after a sustained period of nondiscriminatory voting administration.

Preclearance will serve a critical function because Florida’s localities can and do adopt policies or practices that create barriers to the franchise for minority voters. Though jurisdictions may adopt such practices without intending any voting rights violation, it still results in harm to voters and significant potential costs to the local government. While preclearance imposes a small compliance requirement on covered local governments, it can also save covered local governments significant time and money by identifying discriminatory policies before they are enacted, thereby avoiding subsequent litigation.¹³⁴ Moreover, the FLVRA can serve as a powerful prophylactic to prevent voting discrimination and promote fairness and equal access to the fundamental right to vote for Florida citizens.

C. Language Assistance

Providing adequate election assistance to voters with limited English proficiency has also been a problem in Florida, a state that enjoys significant language diversity. Federal law “covers those localities where there are more than 10,000 or over 5 percent of the total voting age citizens in a single political subdivision . . . who are members of a single language minority group, have depressed literacy rates, and do not speak English very well.”¹³⁵ Currently, the standard set by federal law only requires 14 municipalities in Florida to provide language assistance in voting to Spanish-speaking voters.¹³⁶ As other states and localities (including California, New York, and Connecticut)¹³⁷ have done, Florida can and should provide language assistance well above the federal statutory minimum. S.B. 1522 establishes statutory thresholds which cover a broader set of local governments and enhances language assistance to better enfranchise language-minority voters.¹³⁸ S.B. 1522 also improves upon federal law by

¹³³ *Id.* § 14(3).

¹³⁴ Brief of Joaquin Avila, et al. as Amici Curiae in Support of Respondents at 27, *Shelby Cty., Ala. v. Holder*, 570 U.S. 529 (2013) (No. 12-96).

¹³⁵ *Section 203 of the Voting Rights Act*, U.S. Dept. of Justice, <https://www.justice.gov/crt/language-minority-citizens> (last updated Mar. 11, 2020).

¹³⁶ *Language Assistance for Voting*, Florida Division of Elections (June 26, 2023), <https://dos.fl.gov/elections/for-voters/voting/language-assistance-for-voting/>.

¹³⁷ See Ca. Sec’y of State, *Language Requirements for Election Materials*, <https://www.sos.ca.gov/elections/voting-resources/language-requirements>; NYVRA § 4; NYC Civic Engagement Commission, *Language Access Plan*, <https://www1.nyc.gov/site/civicengagement/about/language-access-plan.page>; See Connecticut State Senate, *An Act Concerning State Voting Rights in Recognition of John R. Lewis*, <chrome-extension://efaidnbnmnnibpcajpcglclefindmkaj/https://www.cga.ct.gov/2023/ba/pdf/2023SB-01226-R01-BA.pdf>.

¹³⁸ S.B. 1522 § 13. Under the FLVRA’s language-assistance provisions, a municipality is covered if: more than 4,000 of its total eligible voters speak a language other than English and have limited English proficiency; more than 200 of its total eligible voters speak a language other than English and have limited English proficiency and those residents comprise at least 2% of

allowing for language assistance in any language where “a significant and substantial need exists,” even if the language for which assistance is needed is not one of the languages identified for potential coverage in the federal VRA.¹³⁹

D. Public Database of Election and Voting Rights Information

Section 12 of S.B. 1522 establishes a statewide, publicly accessible database of election information and demographic data, housed in one or more postsecondary educational institutions in the state.¹⁴⁰ The Florida Voting and Elections Database and Institute will provide voters with public information that is critical for voting rights analysis but can often be difficult to access, including redistricting maps in electronic format, Census and American Community Survey data on racial demographics, locations of polling places, anonymized voter files, and district-level election results.¹⁴¹

Making this information easily accessible will foster unprecedented transparency in Florida’s elections and facilitate evidence-based best practices across the state. In concert with S.B. 1522’s other measures, the FLVRA’s database will empower Florida voters and community groups to identify and resolve potential voting rights problems, while also helping election administrators and local officials to understand and address such issues proactively.

E. Civil Cause of Action Against Voter Intimidation, Deception, or Obstruction

S.B. 1522 also provides Florida voters with a civil cause of action in state court against voter intimidation, deception, or obstruction.¹⁴² Voter intimidation is a significant problem across the country. Recent elections have seen extremists showing up at polling places heavily armed; truck caravans driving into Black or Latine neighborhoods to intimidate voters; and police presence at several polling places in communities where the relationship with law enforcement is historically fraught.¹⁴³ Black voters and other voters of color faced particular threats and bore the brunt of voter intimidation in the 2020 election cycle.¹⁴⁴ During the 2020 election, the

the voting eligible population; or, in the case of local governments that contain all or part of a reservation, more than 2% of enrolled Native Americans of voting age within the reservation have limited English proficiency.

¹³⁹ *Id.* § 13(2)-(3); see Hansi Lo Wang, *A federal law requires translated voting ballots, but not in Arabic or Haitian Creole*, NPR (June 26, 2022), <https://www.npr.org/2022/06/24/1083848846/bilingual-ballots-voting-rights-act-section-203-explained>.

¹⁴⁰ S.B. 1522 § 12.

¹⁴¹ *Id.* § 12(3).

¹⁴² S.B. 1522 § 15(2).

¹⁴³ During the 2020 presidential election, the NAACP Legal Defense and Education Fund monitored a range of voter intimidation tactics across the country. These included violent dispersals of civil rights demonstrators on their way to the polls, military-style police vehicle presence, and armed Trump supporters at Black-majority precincts. See NAACP Legal Def. Educ. Fund, *Democracy Defended* 13, 21-22 (2021), https://www.naacpldf.org/wp-content/uploads/LDF_2020_DemocracyDefended-1-3.pdf.

¹⁴⁴ *Id.* at 75-76.

nonpartisan Election Protection hotline received over 300 calls reporting incidents of in-person voter intimidation at Florida early voting and election day voting locations, and received similar reports in 2022.¹⁴⁵

With the rise in voter intimidation both from civilians and the state, Florida citizens seeking to exercise their right to vote must have tools to protect themselves against these growing threats. Accordingly, S.B. 1522 gives any voter the right to sue a person or group engaging in “acts of intimidation, deception or obstruction that interfere with any elector’s right to vote.”¹⁴⁶ This supplements protections in the federal VRA and existing state criminal statutes by providing a civil cause of action—enabling courts to “order appropriate remedies that are tailored to address [the] violation” and resolve the harms caused—that is not currently available in Florida courts.¹⁴⁷

F. Voter Expansion Provisions

S.B. 1522 also adopts provisions from S.B. 1206 (2023) introduced by Senator Thompson, expanding voter rights. The FLVRA creates a paid holiday for Election Day with essential protections for workers who need to take time off to go to the polls.¹⁴⁸ The bill also introduces same-day voter registration and eliminates the outdated voter registration book closing deadline, allowing eligible Floridians to register to vote at any time, including at an early voting site and at the polls on election day.¹⁴⁹ S.B. 1522 also amends current Florida law to provide automatic voter registration by registering eligible Floridians to vote automatically when they interact with the Department of Highway Safety and Motor Vehicles unless they opt-out.¹⁵⁰ S.B. 1522 also amends current Florida law requiring Floridians repeatedly request vote-by-mail registrations, and instead simplifies the vote-by-mail process for voters and election administrators by only requiring voters to request a mail ballot once until they no longer wish to receive it.¹⁵¹ Lastly, S.B. 1522 adopts a democracy canon ensuring that all areas in which courts are afforded discretion, the courts exercise that discretion in favor of expanding voters’ rights.¹⁵²

G. Florida Commission on Offender Review

S.B. 1522 also amends current Florida law to authorize the Florida Commission on Offender Review to create a centralized database for returning citizens to determine voter eligibility.¹⁵³ Currently the process for returning citizens to determine their eligibility is complicated and fractured as they must contact multiple state and local authorities. The database would compile important information such as remaining fines or fees or the completion status of any other term ordered to a returning citizen

¹⁴⁵ Voter Intimidation in Florida Advocacy Letter (Oct. 21, 2022).

¹⁴⁶ S.B. 1522 § 15(1).

¹⁴⁷ *Id.* § 15(5).

¹⁴⁸ *Id.* § 19.

¹⁴⁹ *Id.* § 6.

¹⁵⁰ *Id.* § 7.

¹⁵¹ *Id.* § 23.

¹⁵² *Id.* § 16.

¹⁵³ *Id.* § 2.

and allow them to know if they are eligible to have their voting rights restored.¹⁵⁴ The Commission on Offender Review will present a plan for the database by July 2024 to the Florida Governor, the President of the Senate, and the Speaker of the Representatives and by July 1, 2026, make the data base available on a public website.¹⁵⁵ Any returning citizen who registers or votes in reasonable reliance on information provided by this state database will not be charged in violation of any criminal law related to fraudulently voting or registering to vote.¹⁵⁶

IV. Conclusion

By enacting S.B. 1522's measures, Florida can turn the page on its discriminatory past and present, establish its leadership among the Southern states as a pro-voter state, and help combat a rising tide of voter suppression efforts through its powerful example. Equitable voting rights protections, like those in the federal VRA and state-level voting rights acts, have had powerful effects in making the democratic process fairer, more equal, and more inclusive. These effects include reducing racial turnout disparities,¹⁵⁷ making government more responsive to the needs and legislative priorities of communities of color,¹⁵⁸ and increasing opportunities for diverse voters to elect candidates of their choice,¹⁵⁹ so that elected representatives more fully reflect the communities they serve.

¹⁵⁴ S.B. § 2(4)(a).

¹⁵⁵ *Id.* § 2(6)(d)-(e)

¹⁵⁶ *Id.* § 2(6)(f)

¹⁵⁷ Zachary L. Hertz, *Analyzing the Effects of a Switch to By-District Elections in California*, MIT Election Lab (July 19, 2021), https://electionlab.mit.edu/sites/default/files/2021-07/hertz_2020.pdf.

¹⁵⁸ Sophie Schllit & Jon C. Rogowski, *Race, Representation, and the Voting Rights Act*, 61 *Am. J. Pol. Sci.* 513 (July 2017).

¹⁵⁹ Loren Collingwood & Sean Long, *Can States Promote Minority Representation? Assessing the Effects of the California Voting Rights Act*, 57 *Urb. Affs. Rev.* 731, 757 (2021), https://www.collingwoodresearch.com/uploads/8/3/6/0/8360930/cvra_project.pdf; see Pei-te Lien et al., *The Voting Rights Act and the Election of Nonwhite Officials*, 40 *Pol. Sci. & Pol.* 489 (July 2007), <https://www.jstor.org/stable/20452002>; Paru R. Shah et al., *Are We There Yet? The Voting Rights Act and Black Representation on City Councils, 1981-2006*, 75 *J. Pol.* 993 (2013).

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NAACP Legal Defense and Educational Fund, Inc. (“LDF”)

Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in education, economic justice, political participation, and criminal justice. Throughout its history, LDF has worked to enforce and promote laws and policies that increase access to the electoral process and prohibit voting discrimination, intimidation, and suppression. LDF has been fully separate from the National Association for the Advancement of Colored People (“NAACP”) since 1957, though LDF was originally founded by the NAACP and shares its commitment to equal rights.

Florida NAACP

Founded in 1909, the NAACP is the nation’s oldest and largest nonpartisan civil rights organization. Its members throughout the United States and the world are the premier advocates for civil rights in their communities. In 1941, the NAACP Florida State Conference was formed as the 1st State Conference in the nation. For more information on the NAACP Florida State Conference, please visit www.FLNAACP.com or follow us on Twitter @FLNAACP.

ACLU Florida

The American Civil Liberties Union (ACLU) is our nation’s guardian of liberty, working daily in courts, legislatures, and communities to defend and preserve the individual rights and liberties guaranteed to all people in this country by the Constitution and laws of the United States. The ACLU of Florida’s mission is to protect, defend, strengthen, and promote the constitutional rights and liberties of all people in Florida. We envision a fair and just Florida, where all people are free, equal under the law, and live with dignity.

SPLC Action Fund

SPLC Action Fund is a catalyst for racial justice in the South and beyond, working in partnership with communities to dismantle white supremacy, strengthen intersectional movements, and advance the human rights of all people. SPLC Action Fund is the 501(c)(4) affiliate organization to the Southern Poverty Law Center. For more information, visit www.splcactionfund.org.

Florida Rising

Florida Rising builds independent political power that centers historically marginalized communities so everyday Floridians shape the future. We bring together Black, brown, and low-income communities in a multi-racial movement to advance social, economic and racial justice across Florida. Because we are the new majority, together we rise. www.floridarising.org

Equal Ground

Equal Ground Action Fund is a community-centered organization engaging the rising American electorate through equal access to education about voting and empowerment. We work to fight for the issues we believe in, from equality, a living wage, healthcare, to fair elections, climate change and social justice.

We focus our efforts on the rising American electorate with the goal of building and expanding current capacity in underserved communities. Actions include strategic planning, leadership development, voter engagement, voter education and increased civic engagement.

Given the serious threat to progressive values across Florida, Equal Ground is committed to expanding capacity in communities of color with a specific emphasis on black voters and residents. Visit www.equal-groundaction.com for more information.