

Federal Appeals Court Affirms Wealth-Based Barriers to Voting

Eleventh Circuit Upholds Florida Law That Bars Hundreds of Thousands of Floridians From Voting Solely Because They Lack Enough Money

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ATLANTA — A federal appeals court today upheld a Florida law that created wealth-based hurdles to voting. The decision denies voting rights to hundreds of thousands of people with past felony convictions.

The case, *Jones v. DeSantis*, concerned Senate Bill 7066 (SB7066), which was signed into law by Florida Gov. Ron DeSantis in 2019. This law made voting rights for hundreds of thousands of people with past felony convictions contingent on payment of all legal financial obligations. It directly undermined Florida voters' overwhelming passage of the Voting Restoration Amendment 4 in 2018, which had restored voting rights to over a million people with past felony convictions.

The American Civil Liberties Union, ACLU of Florida, Brennan Center for Justice at NYU Law, and NAACP Legal Defense and Educational Fund sued immediately after the governor signed the legislation. In May 2020, a district court struck down the law as unconstitutional, but the ruling was put on hold pending an appeal by the governor. The appeal was heard by the full Eleventh Circuit Court of Appeals. Today's decision blocks hundreds of thousands of Floridians from registering to vote in time for the November election.

The following comments are from:

Leah C. Aden, deputy director of litigation at the NAACP Legal Defense and Educational Fund: “Today’s ruling is outrageous, and directly contrary to overwhelming public desire to restore returning citizens’ voting rights in Florida and a trial court’s and prior appellate court’s well-reasoned findings. It also is not lost on us that erecting a monetary barrier to the ballot box significantly and disproportionately harms Black returning citizens in Florida. This decision sanctions Florida’s ability to require a long-prohibited poll tax to vote and prolongs confusion for people who may owe monetary amounts that are unknown or difficult to determine, even by Florida. Undoubtedly, we will keep fighting to realize the promise of Amendment 4.”

Julie Ebenstein, senior staff attorney with the ACLU’s Voting Rights Project: “This ruling runs counter to the foundational principle that Americans do not have to pay to vote. The gravity of this decision cannot be overstated. It is an affront to the spirit of democracy.”

Daniel Tilley, ACLU of Florida legal director: “Despite today’s ruling, the fight is not over. Creating roadblocks to voting based on wealth is unconstitutional, wrong, and appalling to anyone who cares about democracy. Gov. Ron DeSantis and Florida lawmakers have worked constantly to obstruct the restorative justice sought and approved by Floridians through Amendment 4. They have tried to overturn the will of voters and to affix a price tag on the right to vote. While today’s court ruling has, temporarily, permitted that behavior by Gov. DeSantis, there are many voters who meet even the extreme requirements of this unconstitutional law. Working with our partners, we will continue to inform those voters of their eligibility so that as many returning citizens as possible are able to participate in our democracy.”

Sean Morales-Doyle, deputy director of the Voting Rights and Elections Program at the Brennan Center for Justice at NYU Law: “This ruling is a historic mistake and a defeat for voting rights. It tells the state of Florida that it’s legitimate to put a price tag on voting. Worse, the court says it’s okay to do so even when Black Floridians owe more than their white counterparts, and even when many can’t even determine how much they owe and to whom. By rejecting the district court’s ruling and upholding this law, the court has scored a win for voter suppression and blocked the way for hundreds of thousands of Floridians with past convictions to exercise their fundamental right to vote, in November and beyond.”

Ruling: <https://www.aclu.org/legal-document/order-11th-circuit-court-appeals>

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