

Groups Urge Federal Appeals Court to Affirm Wealth-Based Barriers to Voting are Unconstitutional

Broad Coalition Filed Briefs Today Arguing Florida Law Unconstitutionally Bars Hundreds of Thousands of Floridians From Voting Solely Because They Lack Enough Money

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ATLANTA — Voting rights advocates today urged a federal appeals court to uphold a decision that concluded a Florida law that created wealth-based hurdles to voting is unconstitutional.

The American Civil Liberties Union, ACLU of Florida, NAACP Legal Defense and Educational Fund, and Brennan Center for Justice at NYU Law are among the groups challenging the law, which was struck down by a federal district judge, restoring voting rights to hundreds of thousands of Floridians with past felony convictions.

Florida Gov. Ron DeSantis appealed, however, and the lower court ruling was placed on hold until the full Eleventh Circuit Court of Appeals hears the case on August 18.

The groups today filed their appeals court brief. Find it [here](#).

Plaintiffs also received broad support from amici curiae — “friends-of-the-court” — from across the political spectrum, who filed briefs today supporting the common-sense position that people should not have to pay to vote.

Amici include 19 states (Illinois, California, Colorado, Connecticut, Delaware, Hawaii, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Vermont, Virginia, and Washington) and the District of Columbia; the Florida Rights Restoration Coalition, an organization of returning citizens who sponsored Amendment 4; a group of former and current election officials and administrators; former Department of Justice attorneys; professors and voting rights scholars; organizations such as R Street and the Cato Institute; and a number of government and criminal justice reform organizations.

At issue is the 2019 law, Senate Bill 7066, which undermined Floridians’ overwhelming 2018 passage of Amendment 4 by making voting contingent on returning citizens’ ability to pay all legal financial obligations prior to being able to register and vote.

In May 2020, the federal court ruled the law violated the U.S. Constitution by discriminating on the basis of wealth. It also held that requiring the payment of costs and fees violates the 24th Amendment — which prohibits poll taxes — and violates due process principles and the National Voter Registration Act.

If the appeals court affirms the lower court's injunction, it may enable hundreds of thousands of returning citizens to vote in the November election.

The following comment is from:

Julie Ebenstein, senior staff attorney with the ACLU's Voting Rights Project: "This law is a modern-day poll tax, and the courts have repeatedly ruled it unconstitutional. People from all across the political spectrum recognize it is wrong to force Americans to pay to vote. We remain hopeful the appeals court will strike down this law once and for all."

Daniel Tilley, legal director of the ACLU of Florida: "Conditioning enfranchisement on the ability to pay is simply unconstitutional. Governor DeSantis has gone out of his way to bar hundreds of thousands of people from voting. His pay-to-vote scheme is a disgraceful assault on our democracy."

Leah Aden, deputy director of litigation at NAACP LDF: "The only requirement that stands in the way of hundreds of thousands of returning citizens, disproportionately Black, being able to register and vote in Florida is money. Florida implemented SB7066 knowing returning citizens face this economic barrier and the state lacks any system to inform people of what, if anything, they are required to pay-to-vote. This turns our Constitution on its head, as does Florida's abhorrent position that the Constitution doesn't apply to returning citizens. Together, we will persist in fighting to realize Amendment 4's promise and eliminate SB7066's pay-to-vote scheme."

Sean Morales-Doyle, deputy director of the Voting Rights and Election program at the Brennan Center for Justice at NYU: "Florida's pay-to-vote system is unconstitutional and an affront to our nation's democratic principles. What's worse, the state is entirely incapable of administering the system, leaving prospective voters and elections officials alike confused about who is eligible. We hope the appellate court will uphold the trial court's decision to clear the way for hundreds of thousands to register and vote."