

Note: The following outline was discussed by LWVCC President Chris Straton at the League's "Hot Topics" Meeting on June 28, 2006 addressing the new Florida voter registration law, the League of Women Voters of Florida's related lawsuit, and the League's Florida voter registration moratorium.

THE LAWSUIT

League of Women Voters of Florida (LWVF), People Acting for Community Together (PACT), Florida AFL-CIO, American Federation of State, County and Municipal Employees, Council 79 (AFSCME), SEIU Florida Healthcare Union, as organizations and as representatives of their members; Marilyn Willis; and John and Jane Does 1-100

Vs

Sue M. Cobb, individually and in her official capacity as Secretary of State for the State of Florida, and Dawn Roberts, individually and in her official capacity as Director of the Division of Elections within the Department of State for the State of Florida

HISTORY

- In the 2005 Legislative Session, the Florida legislature passed **HB1567/F.S. 97.0575**
- In 2006, rules related to the implementation of this legislation were adopted.

HB1567/F.S. 97.0575

- This law applies to “third-party registration organizations”

“... any person, entity, or organization soliciting or collecting voter registration applications. A third-party voter registration organization does not include:

 - a) A political party;
 - b) A person who seeks only to register to vote or collect voter registration applications from that person's spouse, child, or parent; or
 - c) A person engaged in registering to vote or collecting voter registration applications as an employee or agent of the division, supervisor of elections, Department of Highway Safety and Motor Vehicles, or a voter registration agency.”
- 2006 Implementation Rules Requirements:

“Prior to engaging in any voter registration activities, a third-party voter registration organization shall name a registered agent in the state and submit to the division, in a form adopted by the division, the name of the registered agent and the name of those individuals responsible for the day-to-day operation of the third party voter registration organization, including, if applicable, the names of the entity's board of directors, president, vice president, managing partner, or such other individuals engaged in similar duties or functions.”

- Penalties:

“A third-party voter registration organization that collects voter registration applications serves as a fiduciary to the applicant, ensuring that any voter registration application entrusted to the third-party voter registration organization, irrespective of party affiliation, race, ethnicity, or gender shall be promptly delivered to the division or the supervisor of elections. If a voter registration application collected by any third-party voter registration organization is not delivered to the division or supervisor of elections, the individual collecting the voter registration application, the registered agent, and those individuals responsible for the day-to-day operation of the third-party voter registration organization, including, if applicable, the entity’s board of directors, president, vice president, managing partner, or such other individuals engaged in similar duties or functions, shall be personally and jointly and severally liable for the following fines:

- a) A fine in the amount of \$250 for each application received by the division or the supervisor of elections more than 10 days after the applicant delivered the completed voter registration application to the third party voter registration organization or any person, entity, or agent acting on its behalf.
- b) A fine in the amount of \$500 for each application collected by a third-party voter registration organization or any person, entity, or agent acting on its behalf, prior to book closing for any given election for federal or state office and received by the division or the supervisor of elections after the book closing deadline for such election.
- c) A fine in the amount of \$5,000 for each application collected by a third-party voter registration organization or any person, entity, or agent acting on its behalf, which is not submitted to the division or supervisor of elections.

THE LAWSUIT

- Organizational Plaintiffs
- Member Plaintiff
- Registrant Plaintiffs
- Defendants
- Voter Registration in Florida
- The Challenged Law
- The Law’s Discriminatory and Burdensome Impact
- Impact of the Law on Each Organizational Plaintiff
- Causes of Action