



States crowd into Florida voting rights case as election nears

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A contentious fight over voting rights in Florida descended into a nationwide brawl Monday, when a coalition of Democratic state attorneys general lined up on the side of people with felony convictions and against the battleground state's Republican governor.

Nineteen states and Washington D.C., led by attorneys general in Illinois and Washington, filed a legal brief asking the 11th Circuit Court of Appeals in Atlanta to uphold a May ruling that struck down provisions of a Florida law that restricted the voting rights of former felons. That law required people who have served time for a felony to pay off any court debts before they can register to vote.

New York, New Jersey, California, and Pennsylvania were among the states that joined attorneys general Kwame Raoul of Illinois and Karl Racine of the District of Columbia in the filing.

“Voting is a right. It is not a privilege only for those who can afford to pay a poll tax,” Raoul said in a written statement. “Pay-to-vote laws are discriminatory and serve mainly to suppress Black and other minority voters. Individuals who have completed their sentences deserve a second chance, which includes having the right to participate in our nation’s democracy.”

The states and other groups weighed in on the case against Florida Gov. Ron DeSantis with the presidential election less than 100 days away. Their appearance in signals the rising stakes associated with the legal challenge, which has gone on for more than a year in the battleground state, where President Donald Trump is dropping in the polls as Democrat Joe Biden gains traction.

A group of 36 officials formerly with the U.S. Department of Justice Civil Rights Division filed their own brief in the case Monday, calling law’s fines and fees provision an illegal poll tax.

The Cato Institute, a libertarian think tank, joined nonprofit advocacy group the Fines and Fees Justice Center, the free-market R Street Institute and the Florida Association of Criminal Defense Attorneys in a brief filed Monday that urged the court to uphold the lower court ruling, saying that legislators passed the law knowing that most former felons would never be able to pay off their debts.

After Florida voters in 2018 ended the state's lifetime voting ban for most former felons, the Republican-led Legislature passed a law setting limits, including a requirement that people who want to register pay all court fines and fees first.

With the case now in federal court and the presidential election less than 100 days away, it has become a regional and political fight over disenfranchisement and states' rights.

In early June, nine Republican attorneys general, most of them from the South, filed an amicus brief endorsing Florida's push to get the case heard by the entire appeals court. They argued that a ruling against Florida's law would undermine state power to make decisions on voting rights for former felons and could lead to more states reinstating lifetime bans.

The case could have near-term political consequences. Trump won Florida four years ago by fewer than 113,000 votes. A study done by the University of Florida found that nearly 775,000 former felons are ineligible to vote because they have an unpaid financial obligation to the courts.

The Florida lawsuit was brought by voting rights and civil rights groups on behalf of a group of former felons who had outstanding court debts. A U.S. District Court judge in May called the Florida law an illegal pay-to-vote scheme.

DeSantis appealed the ruling to the 11th Circuit Court of Appeals, which put the decision on hold this month while it considered the case, prompting voting rights groups to ask the U.S. Supreme Court to step in. The high court declined to act.

For now, the law's restrictions remain in place. The appeals court is scheduled to hold a hearing in the case on Aug. 18, the same day as Florida's primary. The case will be heard by the full court.

Even with the law on the books, however, Florida has yet to actively enforce it.

Maria Matthews, the director of the state's Division of Elections, testified in court in May that state officials had identified as many as 85,000 former felons currently on voting rolls who may have outstanding legal obligations. Despite the law being on the books for a year, state officials had still not taken any action to remove those voters.