

United States Senate
Washington, DC 20510-1304

September 8, 2011

The Honorable Rick Scott
Governor of the State of Florida
400 S Monroe St.
Tallahassee, Florida 32399-0001

Dear Governor Scott:

I am writing to determine whether you plan to take action to ensure that the new restrictions on voting you signed into law will not disenfranchise Floridians.

I chair the United States Senate Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Human Rights. The Subcommittee is responsible for, among other things, evaluating policies and practices that threaten to deprive Americans of the basic civil and human rights guaranteed by our Constitution.

In our democracy, there is perhaps no right more sacred or fundamental than the right to vote. The United States Constitution, as you may know, has been amended more often to expand and protect the right to vote than it has on any other issue. Six Amendments to the Constitution – the 15th, 17th, 19th, 23rd, 24th, and 26th – underscore our nation's commitment to ensuring that the right to vote is not unduly burdened or restricted. Regardless of race, ethnicity, gender, religion, age, or income, Americans are entitled to vote for the candidates and policies of their choice.

There is widespread concern over HB 1355, which you signed into law earlier this year. Although the text of Florida's new law technically applies to all citizens, the new voting restrictions could have a disproportionate impact on the minority, young, senior, disabled, rural, homeless, and low income communities in Florida.

One of the provisions in the law cuts Florida's early voting period from 14 days to 8 days. People vote early for a variety of reasons, including difficulties obtaining child care, inflexible work schedules, and lack of reliable transportation. These are among the reasons why approximately 30% of votes in the 2008 presidential election were cast before Election Day. Election law experts and local election officials agree that reducing the early voting period actually increases costs, creates administrative burdens, and prevents some people from voting altogether. In light of the growing popularity of early voting, there seems to be no reasonable justification for reducing instead of expanding the period during which Floridians can cast early votes.

It is particularly troubling that Florida's new restrictions on voting specifically prohibit early voting on the Sunday before Election Day. In 2008 and 2010, the 10 largest, most urban, and most diverse counties in Florida offered early voting on the Sunday before Election Day because they determined that many Floridians would take advantage of it – and that is exactly what happened. Banning early voting on the Sunday before Election Day will have a disproportionate impact on African Americans and Latinos because they are substantially more likely to participate in voting drives coordinated by the places of worship. In 2008, for example, African Americans were 13% of total voters nationwide, but they were 22% of early voters, and 31% of total voters on the final Sunday before the election. Latinos were similarly situated. In 2008, Latinos were 11% of total voters and 11% of early voters, but they were 22% of total voters on the final Sunday before the election. Regardless of the intention, this particular provision of Florida's new law appears likely to suppress the votes of African Americans and Latinos.

I am equally troubled by the provisions in the new law placing an onerous burden on individuals who volunteer to help people in their community register to vote. As you know, HB 1355 requires individuals to get formal permission from the State of Florida before volunteering to help a neighbor register to vote. Once obtaining permission from the state, volunteers must track every single registration form with which they come in contact – whether the form is blank, incomplete, or complete – and then deliver the forms to specific county officials within 48 hours of being signed. This law is so burdensome that, for the first time in almost 70 years, the League of Women Voters – a highly respected and nonpartisan organization – has indefinitely suspended all voter registration drives in Florida.

As this Subcommittee continues analyzing the full impact of these new voting restrictions, I would appreciate a prompt response to the concerns raised in this letter. Specifically, please identify the steps that your administration will take to ensure that all Floridians who wish to do so can cast their votes during the early voting period. Also, please identify the steps your administration is taking to ensure that organizations and individuals that want to help register their neighbors will not be unnecessarily burdened by the requirements of the new law.

Sincerely,



Richard J. Durbin

United States Senator