United States Senate
WASHINGTON, DC 20510-0905

BILL NELSON
FLORIDA

October 27, 2011

The Honorable Richard Durbin
U.S. Senator, Illinois
711 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Durbin:

Legislatures across the country have passed new voting laws that nonpartisan experts say put hurdles between the voting booth and seniors, young voters and minorities. More specifically, these new voting laws could make it significantly harder for more than five-million eligible voters in numerous states to cast their ballots in 2012, according to The Brennan Center for Justice at New York University School of Law, which just this month completed the first comprehensive study of the laws' impact.

I want to thank you for your work on this issue, and particularly for chairing the Judiciary subcommittee hearing last month. I appreciated the opportunity to testify at that hearing about Florida's new election law putting up barriers to full electoral participation. Florida is among 14 states that have done so this year alone. Despite widespread public opposition, Gov. Rick Scott signed it into law in May.

Since then, some forms of well-intended civic engagement in Florida have run afoul of the law. And, as The St. Petersburg Times noted in an editorial, "Promoting civic involvement shouldn't be a crime."

An illustrative example is the recent case involving a New Smyrna Beach, Florida high-school civics teacher. When Jill Cicciarelli organized a drive at the start of this school year to get students pre-registered to vote, she ran afoul of Florida's new election law. Cicciarelli hadn't registered with the state before beginning the drive, and didn't submit the students' registration forms to the elections office within 48 hours. Now, she and some of her students could face hefty fines.

I met with Ms. Cicciarelli and some of those students just yesterday – and, of course, they're not happy with this new voting law. Neither is their local supervisor of elections, who

under the law was required to report them to state authorities. Still, Volusia County Supervisor of Elections Ann McFall has openly criticized parts of the law as egregious and unenforceable.

But even more troubling are recent published reports, including the Brennan Center's, strongly suggesting that political partisans may be behind efforts to prevent millions of students and minorities from voting in next year's elections. Among other things, the reports revealed:

- Many of the newly enacted voting laws came concomitant with model legislation to toughen voting requirements crafted by a conservative advocacy group, called the American Legislative Exchange Council, or ALEC.
- ALEC is backed by wealthy conservative activists and major corporate special interests. Its founder, the late Paul Weyrich, once was quoted as saying, "I don't want everybody to vote. As a matter of fact, our leverage in the elections quite candidly goes up as the voting populace goes down."
- So far this year 14 states have implemented cut backs on voting rights either with legislation or via executive order; and,
- The states that imposed these new restrictions will provide about two-thirds of the 270 electoral votes needed to win the presidency next year. Those states are Maine, Rhode Island, Ohio, West Virginia, Tennessee, South Carolina, Georgia, Alabama, Texas, Kansas, Iowa, Illinois, Wisconsin and Florida.

Some of those states, including Florida, go even further than ALEC's draft bill. Florida's law reduces the number of early-voting days. It makes voting harder for people who have recently changed their address, like newlyweds or college students; and, it subjects third parties, like Ms. Cicciarelli, to red-tape and even fines for mistakes. Because of the law, the League of Women Voters was forced to abandon its registration drives after 72 years.

Almost 140 years ago, after her arrest for casting an illegal vote in the presidential election of 1872, Susan B. Anthony called it "a downright mockery to talk to women of their enjoyment of the blessings of liberty, while they are denied the use of the only means of securing them ... the ballot." I believe that's what some of these new election laws are - a downright mockery of Democracy.

Mr. Chairman, I respectfully ask that your subcommittee consider conducting investigative field hearings in all or some of the aforementioned 14 states to take testimony in an effort to determine whether there was an orchestrated effort to disenfranchise voters by passing voting restrictions and, if so, to what extent such might be illegal. Thank you for your efforts so far and for considering my request.

Sincerely,

Bill Nelson