



**Testimony of Bill Newton, Executive Director,
Florida Consumer Action Network (FCAN)**

**FCAN's experience helping register 18,000 new voters in 2010 and how
new laws affect our voter registration plans for 2012.**

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FCAN's Mission and Voter Registration History

FCAN's mission is "The Florida Consumer Action Network is a grassroots organization which empowers citizens to influence public policy by organizing and educating in areas where consumer voices are underrepresented." We believe that civic participation by voting is one of the very best ways that citizens can be empowered. We believe that voter registration is as essential and central element of our mission and it is an activity we have engaged in since the organization was founded in 1984.

Our largest VR drive was in 2004, when we assisted 87,000 new voters to register through our offices in Tampa, St. Petersburg, Bradenton, Sarasota, Tallahassee, Orlando, and Jacksonville. We had very few problems because of our emphasis on quality control, and we had good relationships with supervisors of elections in each of the counties where we worked. There were no legal problems of any kind and election supervisors relied on the information we provided them along with the registrations.

In 2010, we ran a registration program in Orlando under the new, more restrictive laws in place at that time, which are still in place in the "pre-clearance" counties. Again, there were no significant problems with the program, although one voter application was referred to the state's attorney (flagged by us) because of suspicion of identity theft. That proved not to be the case and there were no charges.

The 2010 VR Experience

Because of the experiences of other organizations in 2004 and 2008, we knew we had to be very careful in 2010. We assumed we would be under close scrutiny, and we knew any problem could be magnified out of proportion in the media. That's politics.

In 2010, our program had an extensive Quality Control (QC) program in order to avoid problems and comply with new voter registration laws. We alerted the state to drives we were running and reported our voter registration totals to the Florida Department of State. The QC department was

set up completely separate from the canvassing department. Canvassers were not even allowed through the door into the QC area. Our QC callers verified the forms being turned in by canvassers. They called the new registrants and made sure that they filled out the form and that the data was correct. We focused on new hires, and once a canvasser had established that they were doing the job correctly, we were able to reduce the percentage of their cards called. This proved effective.

By looking over every single card turned in, managers were quickly able to identify a canvasser who had decided the job was too hard and was taking short cuts. Depending on the infraction, they were warned or fired. The crew manager warned new canvassers that their work would be closely checked, and their co-workers confirmed that. As a result, most canvassers either did their jobs, or decided the work was just too hard, and quit. It was outdoor work in July, August, and September, some of the hottest months. But we are able to offer people meaningful work and they believe in our cause.

The Orange County Supervisor of elections at first did not use the information we provided with the cards we turned in. Our QC team flagged problematic cards and separated them out and even ranked them according to the severity of the problem. After a week or two, the Supervisor's office realized that our information was a valuable resource to them, and began using it. This improved the process, saved them money, and got more people registered because their office could more easily address problems.

Of course, hiring canvassers and team leaders was the critical first step in making sure there were no problems. We could not afford full background checks with the budget available to us (they could cost a minimum of \$45 each) so we used available on-line resources to look for problems. We could check public records for free and determine if an applicant had had legal problems in nearby counties. We could not check all counties or other states, but we did the best we could.

In summary, 18,000 new minority or low-income voters were added to the rolls in 2010 with few problems, and no fines or legal actions. Many participated in that year's election, and we hope many will participate in 2012.

2012 - Dealing with the new law

FCAN believes strongly that our mission directs us to help new minority and low-income voters to register, those who would otherwise be underrepresented in our civic processes. We believe the Legislature that passed HB 1355 was deliberately trying to prevent third party groups like FCAN from assisting new voters, but we must follow our mission. We believe the Legislature is motivated by politics, and not out of any concern for fraud, which has never, to our knowledge, occurred to any meaningful degree in Florida, if at all. In Florida, people who want to defraud the public usually do it through Medicare or auto insurance. The state is known for those crimes



because they are apparently quite lucrative. In contrast, there is no financial incentive for voter fraud. Campaigns find it far easier and far less risky to buy TV ads. The evidence is clear.

Because we feel so strongly about this work, we are determined to press ahead with voter registration drives as long as we are able to do so. That is, until we are arrested for registering someone to vote, or until the courts order us to stop. We now see voter registration as a kind of civil disobedience, perhaps similar to how people felt in the days of civil rights battles here. It is incredible that we must still take such risks simply so citizens can exercise their most basic right, but that is what we have to do.

The unlimited grounds for civil action in the new law makes us vulnerable to lawsuits from anyone, anywhere, for any reason. We would have to defend each and every one of those challenges in court. We can usually find a pro bono lawyer, but we have no legal staff, and the sheer number of possible challenges would quickly exhaust pro bono resources. If we are rendered defenseless, it would probably only take days for a judge somewhere to be persuaded that we should be stopped, and our canvassers restrained by law enforcement.

Even if the threat of legal action in HB 1355 is removed by the courts, FCAN still must be concerned with turning in forms within 48 hours, registering all canvassers with the state, and following other reporting requirements. The biggest problem would be meeting the 48 hour deadline, which would be doable, but which would prevent us from doing quality control. I believe that the Legislature's intent was to stop us from doing the QC, because that is how we avoid problems, and the problems are what draw media and legal attention. We still believe we can work in compliance with the restrictions, although it has never been done.

Our plan is to try to raise money for more detailed background checks, which would mean less resources could be devoted to actual voter registration - no doubt a victory for our opponents. Then, we will conduct most of the QC effort after the cards are turned in, going through the same process as 2010 except that we will have to inform the supervisor of elections of any problems we identify after the supervisor already has the cards. Hopefully, the information will still be useful to them. We will still look at all cards that our canvassers turn in and attempt to verify as quickly as possible, but a thorough program can't be done in 48 hours. Really, only basic processing of the cards can be accomplished before they are turned in.

There is the further problem under the law of accounting for each and every card. This will take additional time and expense, with, in my opinion, minimal results. It is true that we have heard of partisan VR efforts "losing" cards they did not prefer, but FCAN will be doing a non-partisan effort with a goal of simply assisting as many minority and low income new voters as possible. We help anyone we encounter. Our funders are also non-partisan and would strenuously oppose any partisanship or appearance of partisanship.



If fact, we will take extra care to see that our voters do actually get on the rolls. We attempt to database the new voters and compare our lists to the voter roll to make sure everyone appears on the rolls. If there is a discrepancy, we look into it, and attempt to correct the problem. We do not want to waste all the effort we put into voter registration.

Summary

FCAN's mission compels the organization to do non-partisan voter registration drives for low income and minority citizens. In the past, we have been successful in helping to register large numbers of new voters without problems. In 2012, we are determined to do voter registration drives unless we are literally stopped by the government. Unfortunately, 2012 may be a year in which voter registration becomes a form of civil disobedience. The new law, which we think is intended to disenfranchise low income and minority voters, may open up new avenues of legal action which may exhaust our resources in the courts. We believe we can work around new restrictions, but it will reduce the number of registrations and create more expense for FCAN and the supervisors of elections. FCAN urges the committee to take action against these new laws, which we believe are intended to suppress voting among certain groups for political reasons.