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FOR JUSTICE

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December 19, 2007

Chief, Voting Section
Civil Rights Division
Room 7254 - NWB
U.S. Department of Justice
1800 G St., N.W.
Washington, DC 20006

**Re: Comment Under Section 5 of the Voting Rights Act on DOJ
Preclearance Submission No. 3844 (chapter 2007-30, Laws of Florida)**

Dear Sir or Madam:

I write on behalf of the Brennan Center for Justice, a nonpartisan public policy and law institute that advocates in favor of voting rights. This letter is intended to supplement our earlier comments urging objection to Florida's preclearance submission No. 3844 as it relates to amendments to Florida's third-party voter registration law, Fla. Stat. §§ 97.021(36) and 97.0575. In this letter, we respond to the state's submission of additional information dated November 19, 2007.

In our earlier letter of September 6, 2007, we demonstrated that the proposed change in the law would have a retrogressive effect on the voting rights of African-American and Hispanic voters and voters from Spanish-speaking households in the five covered counties. Using data from the Current Population Survey of the United States Census, we showed that those voters were twice as likely as white voters or voters from English-speaking households to register to vote in Florida through voter registration drives in 2004.¹ We also showed that all of the five covered counties have significant Hispanic and black populations, as well as non-English-speaking populations. While the Current Population Survey's sample size is too small to

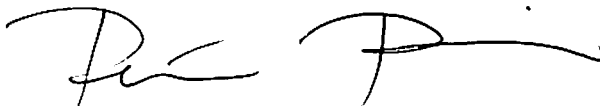
¹ 2004 was the last general election year before the original third-party voter registration law went into effect. Because the United States District Court for the Southern District of Florida enjoined the original law as unconstitutional, and it can no longer be legally enforced in Florida, the benchmark for preclearance is the situation as it was before the third-party law went into effect.

accurately project exactly what percentage of protected communities in the five covered counties registered through voter registration drives, it is reasonable to conclude that, in the absence of contrary evidence, a similar proportion of African-American and Hispanic voters and voters from Spanish-speaking households in the five covered counties registered through voter registration drives. This is especially so given that the state bears the burden of demonstrating that its changes in voting procedure will not have a retrogressive effect.

Florida has not carried its burden. Its submission of November 19, 2007, responding to your request for statistical data on the source of voter registration in the five covered counties, instead demonstrates that in the five covered counties, a significant number of voters likely registered through voter registration drives in November 2004. *See* Div. of Elections, Fla. Dep't of State, Voter Registration Year to Date Report 3 (Nov. 2004) ("Total Applications Received"). Third-party voter registrations are included in the "Other" category on the chart, and each county reflects significant numbers of registrations in that category. In Collier County, 5,840 voters registered through drives and other means; in Hardee, 796 voters, or 60% of new registrations that year; in Hendry, 1,785 voters, or 51%; in Hillsborough, 109,718 voters; and in Monroe, 9,650 voters registered through drives and other means. Based on our earlier analysis, it is most likely the case that these voters are disproportionately black and Hispanic, or from Spanish-speaking households. It is certainly the case that Florida has provided no data or information to rebut this logical conclusion. They have not borne their burden of demonstrating that what is true for the state as a whole—African-American and Hispanic voters and voters from Spanish-speaking households are twice as likely to register through drives—is not also true for the five covered counties. The available facts instead suggest that it is true, and that this law change would be retrogressive as to protected populations in those five counties.

We once again urge the Department to object to preclearance.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Renée Paradis', written in a cursive style.

Renée Paradis
Counsel, Brennan Center For Justice