

?Florida judge rules in favor of early voting on campus

Matthew Taylor
6 August 2018

A federal judge issued a ruling on July 24 ordering the state of Florida to make public colleges and universities eligible to hold early voting on campus. The ruling was in response to a lawsuit filed by six students from Florida State University and the University of Florida, as well the League of Women Voters of Florida and the Andrew Goodman Foundation.

The lawsuit was motivated by an opinion issued in 2014 from the office of Florida Secretary of State Ken Deztner advising county election supervisors that an early voting expansion law passed in 2013 did not include state colleges and universities.

That law, passed in the aftermath of the 2012 elections, where the state of Florida once again came under criticism for restricting voting access, outlined locations where early voting would be permitted. This included any libraries, community centers, convention centers, and various government-owned facilities.

Deztner's opinion, issued in response to a request by the University of Florida to have an early voting site at its student union, stated that the student union did not qualify because the University, which is state-funded, was "affiliated with, a specific educational institution." Deztner also asserted that colleges and universities were prohibited from having early voting sites because the law in question did not specifically mention them.

US District Judge Mark Walker stated in his opinion that Deztner's ban on early voting at those locations was a violation of both the First and Fourteenth Amendments to the US Constitution and, in particular, the 26th Amendment, which prohibits the government from placing any restrictions on voting for citizens 18 years old and above.

In his opinion, Judge Walker took note of a large number of students enrolled at universities in Florida.

There are 1.1 million college students in the state, with 830,000 of those enrolled at public colleges or universities. Additionally, there are approximately 107,000 staff employed at these institutions.

Early voting is widespread in the state of Florida. In 2016, 40.3 percent of all ballots—representing some 3.9 million voters—were cast at early voting sites.

Walker states that the total number of Floridians who may benefit from on-campus voting, nearly one and a quarter million people, exceeds the population of several states, including Alaska, Vermont, Wyoming, and the District of Columbia.

In attempting to justify the blanket prohibition on early voting on campuses, Deztner's attorneys present three main arguments: That allowing early voting at these locations would be a violation of state law, would create parking problems, and could potentially create "on campus disruptions."

Judge Walker dismisses all of these arguments, noting that the specific language of the law, which states "any city hall, permanent public library facility, fairground, civic center, courthouse, county commission building, stadium, convention center, government-owned senior center, or government-owned community center as early voting sites," does not explicitly prohibit early voting at colleges and universities. Indeed, the law neither requires nor prohibits county election supervisors from designating these places as early voting sites. Walker states that Deztner was "effectively inserting a prohibition into an otherwise flexible Authorizing statute."

In regard to the issues of parking and "on campus disruptions," the judge makes the obvious point that allowing early voting at these locations would relieve rather than aggravate these issues since election day voting is already conducted on campuses.

In explaining how Detzner's interpretation of the law violates the 26th Amendment, Judge Walker explains that the state's position "reveals a stark pattern of discrimination. It is unexplainable on grounds other than age because it bears so heavily on younger voters than all other voters. Defendant's stated interests for the Opinion (following state law, avoiding parking issues, and minimizing on-campus disruption) reeks of pretext."

The "pretext" judge Walker refers to is the decades-long effort by Florida's Republican-dominated legislature to disenfranchise minorities, students, workers, convicted felons and others so as to maintain their hold on power throughout the state, including the governor's office.

The state came to national attention for its fraudulent voting procedures during the 2000 elections, when the US Supreme Court overruled a Florida Supreme Court order allowing re-counts in the presidential election to proceed. That decision granted the presidency to George W. Bush, in spite of the fact that Democratic candidate Al Gore has been subsequently shown to have won the popular vote in that state.

In the wake of that decision, it was revealed that state and county officials throughout Florida had engaged in multiple forms of voter suppression, including purging tens of thousands of mostly minority voters from the voting rolls by falsely identifying them as convicted felons, prohibited from voting under state law.

The law permanently disenfranchising convicted felons, which was softened during the administration of Charlie Crist and then reinstated under current Republican Governor Rick Scott, is one of the primary means by which working-class voters are prevented from exercising their democratic rights in the state. PolitiFact has stated that of the approximately 6 million disenfranchised felons in the US, 1.5 million reside in Florida.

Judge Walker's ruling will have a limited impact. Though Alachua County, where the University of Florida is located, has stated that it will allow early voting on campus, many other county election supervisors have already stated that they will not follow suit. Because Judge Walker's ruling does not mandate that early voting sites be established at colleges and universities, it can be expected that election supervisors throughout the state will continue to prohibit early

voting to the maximum amount politically possible.

This is particularly important this year, as elections are to be held for multiple state-wide races, including for governor and attorney general, as well as US Senate and House of Representatives. Governor Rick Scott has a particular interest in suppressing the Democratic Party vote, as he is contesting the Senate seat held by Democrat Senator Bill Nelson, who has held office since the 1970's.

The attempts to block early voting in Florida are an expression of the diseased political culture throughout the state, where politicians from both parties attempt to outflank each other on the right. In the political commercials which saturate local television, various Republican candidates—many who are running against one another because of the political weakness of the Democratic Party in the state—compete with each other to see who can more viciously attack immigrants, deprive workers of social assistance programs, and make grotesque displays of loyalty to President Trump.

The Democrats, for their part, have said nothing in opposition to these policies, instead attempting to exploit the Parkland school shooting to advocate for more stringent gun control policies. They have nothing to offer workers in Florida other than continuing exploitation, police state laws, and endless war.



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact