

Florida legislature advances bills to suppress voting rights, criminalize lawful protest

Matthew Taylor
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The Florida state legislature is considering several new bills that would restrict voting rights, criminalize lawful protest and further obstruct the ability of Floridians to change state law through ballot initiatives, an already onerous process.

One piece of legislation introduced, HJR 61, would raise the threshold to alter the state constitution from the current 60 percent of ballots cast to a full two-thirds, or nearly 67 percent of all votes. Florida is currently only one of two states, along with Illinois, that requires more than a simple majority to alter the state constitution.

In recent years, several amendments have passed through ballot initiatives that were opposed by the state legislature's Republican majority, who remain in power through heavily gerrymandered districts. These include the restoration of voting rights to convicted felons, the gradual hiking of the state's minimum wage to \$15 an hour, and the legalization of medical marijuana.

The legislature considers it to be intolerable that the citizens it ostensibly represents would want to expand constitutionally protected rights, slightly reduce the hyper-exploitation of workers, or inhibit the ability of law enforcement to use authoritarian anti-drug laws to terrorize the population.

Because the bill would itself represent a change to the state constitution, it would require passage by 60 percent of voters in 2022. Effectively, the legislature is asking voters to voluntarily surrender a further portion of their democratic rights.

Though most observers agree that HJR 61 has little chance of being approved by voters, another proposed bill, HB 699, would target the petition-gathering process needed to put amendments up for a vote.

Dubbed the "anti-John Morgan" bill, after the

wealthy Orlando attorney who spent millions of dollars sponsoring both the minimum wage and medical marijuana amendments, the legislation would place a donation cap of \$3,000 on political action committees that are sponsoring proposed constitutional amendments. The aim of this law is to restrict the ability of PACs to gather enough signatures to place proposed constitutional amendments on the ballot.

In comments made to the *Orlando Sentinel*, Morgan warned of the implications if the law is passed: "It is aimed at subverting our democracy and giving power to a few, not all the people, they are erecting impossible barriers to deny the purest and most direct form of democracy. Here and across the country, we are looking at the deconstruction of what made us great: democracy."

Glenn Burhans, another Florida attorney involved in various ballot initiatives, told the *Sentinel* that the proposed legislation would "kill the citizens' initiative process in the cradle. There's simply no way that anybody can raise the types of funds necessary to mount a multimillion-dollar signature-gathering campaign, and the Legislature knows that, and that's why they want to pass it."

Another bill under consideration, SB 90, is aimed at restricting voting rights throughout the state. Most of the provisions within the bill would make it more difficult to vote by mail or through absentee ballots, a method used by over a million voters in the state in 2020, including Donald Trump.

These include provisions that would require voters to provide multiple forms of ID when requesting mail-in ballots, that their ballots be encased in a "secrecy sleeve" in order to be counted, and a mandate that voters request mail-in ballots every year, rather than every two years.

It would also introduce new signature verification standards and eliminate or restrict the use of ballot drop-boxes, among other provisions. Additionally, any voter with a currently active request for a mail-in ballot would have to re-apply once the law goes into effect, a provision that would likely disenfranchise thousands of voters.

These voter-suppression measures have been introduced in spite of the fact that former President Trump won the state of Florida with 51.2 percent of the vote in the 2020 elections. The state's mail-in ballot process was also widely acknowledged by commentators at the time to be both efficient and transparent.

Florida Governor Ron DeSantis, who is being touted by the media as a potential Republican presidential candidate, is trying to push through this legislation so as to further boost his profile nationally among the far right.

Another piece of reactionary legislation, the now infamous HB1, came closer to becoming state law after the Senate Appropriations Committee approved it in a near party-line vote of 11-9, with only one Republican opposing it.

The so-called anti-riot bill would make any crime allegedly committed during a protest an automatic felony. The bill disingenuously conflates the anti-police violence protests that followed the police killing of George Floyd last summer, which drew in tens of millions of people and were overwhelmingly peaceful, with the relatively small amount of violence and looting that accompanied some of the demonstrations, much of it committed by riot police and right-wing provocateurs.

The bill in fact seems customized to enable such provocations, as it defines a riot as any incident where "a violent public disturbance involving an assembly of three or more persons" that results in (1) injury to another person, (2) damage to property, or (3) "imminent" danger of injury to another person or damage to property.

The third category, in particular, makes criminalization of protest virtually automatic, since it is purely subjective. Police or right-wing activists can always make the claim that some danger was "imminent," in their perception, even if nothing at all has taken place.

Senate Democrats introduced a number of amendments aimed at weakening the bill that were all voted down. During the public comment portion of the hearing 65 speakers expressed opposition to the bill. No one spoke in favor of it.



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