



U.S. Department of Justice
Civil Rights Division

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DJ 166-012-3
2007-3844
2007-5429

*Voting Section - NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530*

January 23, 2008

The Honorable Bill McCollum
Attorney General for the State of Florida
107 Gaines Street, Room B23
Tallahassee, Florida 32399-6549

Ms. Maria Matthews
Assistant General Counsel
Florida Department of State
5000 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Attorney General McCollum and Assistant General Counsel Matthews:

This refers to the proposed changes in Chapter 2007-30, Laws of Florida (H.B. 537) (2007), to political party committees (Section 36, amending F.S. 103.091), third-party voter registration groups (Section 2, amending F.S. 97.0575), acceptance of voter registration applications (Section 13, amending Subsections Six and Seven of F.S. 97.053), identification required at polls (Section 26, amending F.S. 101.043), and provisional ballots (Section 27, amending F.S. 101.048) for the State of Florida, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your response to our October 29, 2007, request for additional information on November 20 and 26, 2007; supplemental information was received through January 10, 2008.

We have been informed that, with respect to the proposed change in Chapter 2007-30 to the acceptance of voter registration applications (Section 13, amending F.S. 97.053), the United States District Court for the Northern District of Florida has enjoined enforcement of the underlying provision of Subsection Six of F.S. 97.053, which concerns the verification of voter registration applications. A proposed change which is not finally enacted or capable of administration is not ripe for review by the Attorney General (with certain limited exceptions

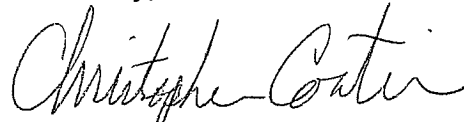
not applicable here). Accordingly, it would be inappropriate for the Attorney General to make a determination concerning your submission now. See Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.22(a) and 51.35). When this change is capable of administration, preclearance under Section 5 should be sought. Refer to File Nos. 2007-3844 and 2007-5429 in any response to this letter so that your correspondence will be channeled properly. Nevertheless, because Subsection Seven of F.S. 97.053, concerning the timeframe in which voter registration applications must be entered into the statewide voter registration system, has not been enjoined, the Attorney General does not interpose any objection to the change to Subsection Seven.

The Attorney General does not interpose any objection to the remaining changes enacted by Chapter 2007-30. These changes include: Section 36, amending F.S. 103.091, which changes the date for qualifying as an executive committee member and adds to the membership of the governing party's state executive committee; Section 2, amending F.S. 97.0575, which sets forth requirements for third-party voter registration groups; Section 26, amending F.S. 101.043, which revises the list of acceptable identification required at polls; and Section 27, amending F.S. 101.048, which shortens the timeframe for provisional voters to submit evidence needed to verify a provisional ballot.

With respect to the identification required at the polls contained in Section 26 and the benchmark practice set forth in Rule 1S-2.037(1), Florida Administrative Code, the State has sent a memorandum, dated January 10, 2008, to Supervisors of Elections confirming that voters who lack appropriate identification at the polls may vote a provisional ballot, which will be counted if the canvassing board finds that the signature on the provisional ballot (Voter's Certificate and Affirmation) matches the signature on the voter registration record.

We note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.41).

Sincerely,



Christopher Coates
Acting Chief, Voting Section