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FLORIDA POLITICS

# Legal voters may have been purged from rolls in Florida's noncitizen hunt



By **Miami Herald**

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Florida Gov. Rick Scott often says that no actual citizens have been removed from the voter rolls in his program to make sure noncitizens don't have the chance to cast ballots.

"Not one person has been taken off the voter rolls that was a resident, a U.S. citizen who has the right to vote," Scott said Tuesday in Miami.

But that might not be the case.

In two counties — Collier and Lee — at least nine people have been removed from the voter rolls under Scott's program, and elections officials have no solid proof that those people are noncitizens. More could be purged soon.

It's that lack of certainty that concerns Democrats, liberals and voting-rights groups, who have sued the state to stop the program. On Tuesday, the U.S. Department of Justice also filed suit.

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Critics say they worry that the program will spook legitimate voters who are immigrants.



"This affects the immigrant community and the rumor mill is churning," said Lida Rodriguez-Taseff, a Miami lawyer representing the Advancement Project and a coalition of other liberal-leaning groups opposed to the program.

"People are in fear," she said. "This is complicated and threatening."

But Scott said he's trying to make sure ineligible voters aren't fraudulently casting ballots and "diluting" lawful votes.

More than 100 noncitizens have been spotted on the rolls so far, officials say, and nearly half might have voted.

The numbers are small and isolated, in large part because Lee and Collier appear to be the only two major Florida counties that are continuing with the program of purging potential noncitizens if they fail to respond to the counties' requests to prove citizenship.

The other major Florida counties stopped the process amid concerns with the accuracy of a list of 2,700 potential noncitizens furnished by the state. The list disproportionately contained the names of actual citizens legally entitled to vote and incidentally happened to target more minorities than non-Hispanic whites and Republicans.

Had the large counties continued with the program, the controversy and questions would only have grown, judging by what's happening in the two Southwest Florida counties. The state's program could have been massive. The state initially identified more than 180,000 potential noncitizens on the rolls.

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Scott said the process would have been far less controversial and far easier had the U.S. Department of Homeland Security not "stonewalled" the state by refusing to give Florida access to a database that contains immigrant information. The state sued DHS on Monday. Without the federal database, Florida elections officials used a state motor-vehicle database that contained citizenship information that isn't always up to date.

Even before the program was essentially halted, there were signs it wasn't being applied evenly. Local supervisors had to come up with their own standards to define citizenship and identify noncitizens.

Even now, in response to a *Miami Herald* query about how many noncitizens are on the rolls, supervisors apply different standards to answer the question. As a result, the numbers are uncertain: Either 140 noncitizens have been identified on the rolls, or the number is actually about 100, according to a *Herald* survey of state and county elections officials. No one is keeping a comprehensive statewide list reporting who has been purged and why.



Also, elections officials initially indicated that Lee and Collier had joined the other counties in halting the process. The two counties account for only 40 people — or 1.5 percent — of the nearly 2,700 potential noncitizens targeted by the state.



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Under the noncitizen program, registered voters could be removed from the rolls if they fail to respond to a certified letter concerning their citizenship status.

Those who acknowledge getting the certified letter — and fail to provide proof of citizenship — are supposed to be removed after 30 days. If people can't be reached by mail, the county elections supervisor posts their names in a legal ad and then removes them from the rolls after another 30 days.

In Collier, at least seven of the 27 people identified signed the certified letter. But they didn't respond. They were purged late last month and this month. Five confirmed they were noncitizens who shouldn't have been on the rolls in the first place. The rest could be purged if they don't respond.

The county's deputy elections supervisor, Timothy C. Durham, said he's personally checking the signatures from the certified mail with the signatures of the registered voters in the file.

Speaking on behalf of Supervisor Jennifer Edwards, Durham said the county is doing what it can to ensure that only eligible people are on the rolls.

"So far, we are unaware of anyone on our list that has been wrongly removed," he said. "Should that occur we will immediately restore them."

Lawful voters stripped from the rolls could nevertheless cast a provisional ballot on Election Day or furnish proof of citizenship to cast a regular ballot. Provisional ballots can be subject to challenge, and are tallied or tossed out at a public meeting of each county's three-member canvassing board that meets more than 48 hours after the election.

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So far, Lee County has removed just two people who didn't respond to certified mail. Nine more people could be removed as of Thursday if they don't respond to the latest ad in the local paper.

**Tampa Bay Times**

Earlier in the year, Lee and Collier conducted a separate noncitizens purge. Collier found 10 noncitizens and Lee more than 40. They were spotted after a local television station compared the voter files with the names of people who got out of jury service by saying they were noncitizens.



In Collier, two people are being prosecuted for voter fraud.

Durham said it's unclear how some noncitizens got on the rolls in the first place. Sometimes it's an accident made by clerks at motor-vehicle departments, where many people get registered to vote thanks to the so-called motor voter law. Sometimes noncitizens might not understand they shouldn't check the box affirming they're a citizen. And sometimes people might lie about their citizenship.

It's a state and federal felony to register or vote as a noncitizen.

One Miami-Dade man, former state House candidate Rafael Velasquez, was federally prosecuted and convicted in 2003 for having voted twice before he became a U.S. citizen.

Miami-Dade accounts for about 1,600 potential noncitizens, the lion's share of the state's list, because the county has the largest foreign-born population. Supervisor of Elections Penelope Townsley reported that 500 people have proven their citizenship and 15 admitted they were noncitizens.

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Townsley restored 10 potential noncitizens who had been removed from the rolls after they failed to respond to the certified letter. A spokeswoman said she was concerned about the accuracy of the list.

In Lee County, Elections Supervisor Sharon Harrington said she has more confidence in the process and wants to make sure noncitizens don't vote and thereby "liquify" the vote of a lawful citizen.

Harrington also takes issue with the word "purge," which implies people are removed en masse from the rolls. Instead, she said, there's a painstaking process designed to ensure people have due process.

"Nobody's ever turned away (at the polls) — they shouldn't be," Harrington said. "If there's a question, they'll get a provisional ballot. They can still vote."

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