

# Should Florida restore felon voting rights?

## Current Situation

Over 1.6 million Florida citizens are permanently disenfranchised from voting in state and federal elections because of being former felons.



Disenfranchisement has climbed [from 2.6% of the state's adult citizens in 1980, to 10.4% today, the highest rate in the nation, including one in five adult African Americans.](#)<sup>1</sup> If Amendment Four, the Voting Restoration Amendment, gets 60% of November voters, it will automatically restore the right of all Florida's former felons to vote after they complete parole and probation, except for those convicted of murder or felony sexual offenses.

At present, former felons in Florida can only have their voting rights restored through a long, complicated, and often expensive Executive Clemency process. If the Voting Restoration Amendment is passed, the decision about whether these citizens can participate in American democracy will be removed from any particular elected officials, and the restoration of their rights will become law, regardless of changing state administrations.

## Recent History

During his tenure from January 2007-January 2011, then-Republican governor Charlie Crist and his Clemency Board restored the rights of 155,000 Florida citizens through the clemency process, primarily felons convicted of nonviolent crimes, who'd completed their sentences, paid restitution, and had no pending criminal charges. Crist's successor, Rick Scott, vastly toughened the clemency process, requiring felons to wait up to 7 years just to apply after completing parole and probation. Scott, who is the final arbiter, restored the rights of just 2,500 felons from January 2011 through spring 2017—only 8% of those who applied.

## To Get Involved

As you weigh the initiative and arguments below, you may want to get involved by volunteering. To work to pass the amendment, contact *Floridians for a Fair Democracy* at [secondchancesfl.org](http://secondchancesfl.org).

To oppose it, contact the initial opposition campaign, *Floridians for Sensible Voting Rights Policy*, at [floridavotingrights.org](http://floridavotingrights.org).



## Key Arguments for Supporting Amendment

- Restoring voting rights to former felons is a matter of basic fairness and offers a second chance. [“These men and women have paid their debt to society. And once that debt has been fully paid, we don't have a moral right to add to it.”](#) Restoring their rights gives [“an opportunity for redemption and a chance to be full members of their community.”](#)
- Other states that depend on gubernatorial clemency [have re-enfranchised far higher percentages of former felons who've applied](#), Iowa approved 93% in the past five years and Kentucky 86%.
- Half of Florida's felony convictions result in no prison time and include crimes that are misdemeanors elsewhere, like driving with a suspended license or trespassing on a construction site.
- Former felons who can fully participate in our democracy are less likely to reoffend. [Florida's Department of Parole](#) found that felons whose voting rights Crist restored were two thirds less likely to reoffend than those who did not apply or didn't have their voting rights restored.

- 21% of Florida’s African Americans are disenfranchised, [four times the rate of other Floridians](#). This has its roots in [post-Civil War racial segregation laws](#) and, [significantly](#), in the impact of War on Drugs on low-level drug users.
- The Amendment would merely bring Florida’s laws in line [with other states](#), while remaining more restrictive

than many. Maine, Vermont, and [countries like Canada and Germany](#) both let felons vote from jail, and actively encourage this to give them a stake in their society.

- Fundamental voting rights should not depend on what kind of lawyer you can afford, or which elected official is in office.

## Key Arguments for Opposing Amendment

- The slow process of restoring a felon’s right to vote is an administrative problem and should not require a constitutional amendment to address.
- Restoring voting rights to Florida’s 1.7 million former felons [is not about justice, but rather about altering Florida’s electorate for partisan purposes](#). It’s estimated that the amendment would increase the size of the electorate by almost 10% if all former felons registered to vote, and that increase could decide future elections.
- The amendment would allow former felons to [“vote for soft-on-crime legislators and prosecutors as they commit new offenses,”](#) therefore potentially determining Florida’s policies on “policing, drugs, mandatory minimums, three-strike laws, crime-victims’ rights and other vital components of our justice system.” Felons shouldn’t have the right to help create more permissive laws.
- The amendment does not address the high recidivism rate of Florida’s former felons.
- A Federal Appeals Court found [that Florida’s current felon disenfranchisement laws violate neither the voting rights act, nor the “equal protection” clause of the 14<sup>th</sup> Amendment](#).
- “Second chances” is misleading because it makes no distinction made between first-time offenders and repeat offenders, creating an unfair opportunity for career criminals to have multiple second chances.
- The Amendment fails to distinguish between violent and nonviolent offenders or the seriousness of the crimes (beyond the exclusion of those convicted for murder or felony sexual offenses). Nor does it account for the harms caused to victims.
- The Amendment fails to consider post-release conduct.



## Additional Resources for Learning and Discussion

*Orlando Sentinel:* [It’s past time to restore ex-felons’ rights and Felon rights? Don’t let lawbreakers elect soft-on-crime lawmakers](#)

*ProCon.org:* [Top 10 Pro & Con Arguments](#)

*Sun-Sentinel:* [Amendment could restore rights for ex-felons in Florida](#)

*Miami Herald:* [Florida leads nation in disenfranchising former felons](#)

*The Sentencing Project:* [6 Million Lost Voters: State Level Estimates of Felony Disenfranchisement, 2016](#)

<sup>1</sup> The Sentencing Project, the prime authority on felon disenfranchisement, revised their research methodology [in 2016](#) to yield a lower percentage than the 23% figure that media outlets had been using, drawing on the Project’s earlier reports.

## Possible Questions for Classroom Discussions or Forums

- When should people convicted of a crime be able to participate fully in our democracy, having paid their debt to society?
- How do other states and countries handle restoration of rights to felons, including voting rights? What can Florida learn from them?
- What is the historical origin of Florida’s felon disenfranchisement law?
- Do you believe potential loss of voting rights deters people from criminal activity?
- Do you believe the current approach has a racially disproportionate impact? If so, what would you consider the prime roots of this impact and solutions to address it?
- Do you know any convicted felons who have been disenfranchised by this law? What are their perspectives? You could also talk with police or correctional officers, with crime victims, and with relatives, employers, or neighbors of former felons.