

The Delray Democrat

Where We Stand With Amendment 4¹

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In 2019, the Florida Legislature passed SB7066 to “implement” amendment 4. This bill required that returning citizens (Floridians returning from incarceration) pay all fees, fines, and restitution (legal financial obligations or LFOs) before being able to register and vote, even where those LFOs had been converted to civil liens.

Seventeen returning citizens who are unable to pay their LFOs asked for a preliminary injunction against SB7066 so that they could register, vote, and once again participate in their democracy. A federal court granted this injunction for the named plaintiffs pending a trial on the merits scheduled for April 2020. Florida appealed this injunction to the 11th Circuit Court.

A three-judge panel of the 11th Circuit rejected Florida’s appeal. It opined that allowing returning citizens who could pay their LFOs to vote, while denying the franchise to those who couldn’t afford to pay, violated the equal protection clause of the 14th Amendment. The opinion firmly supported the plaintiffs’ case as well as the lower-court decision, and it affirmed the foundational importance of the right to vote. Its opinion provides wind in the sails to the plaintiffs for the upcoming trial in April, which will address not only the inability-to-pay issue but also other claims, including claims based on the First Amendment, due process, and protections against race discrimination.

Florida has already sought review of the three-judge panel’s decision. But to prevent the irreparable harm of being unable to vote in the primaries and general election later this year, the State should act quickly to ensure that those without an ability to pay their LFOs can register and vote. So far, the State has dragged its feet every step of the way.

In the meantime, returning citizens with convictions in Palm Beach County who owe court fees alone (not fines and restitution) can contact the Public Defender’s office at 1-561-355-7500 to determine their eligibility to vote. Those convicted elsewhere in Florida can contact the Florida Rights Restoration Coalition at 1-867-698-6830 or text “FINES” to 82623.

The time is now to end Florida’s mass voter suppression. Floridians voted for Amendment 4 to restore the right to vote to 1.4 million of their fellow citizens. It is time for the State to take note and take action.

¹ *The Delray Democrat*, March 2020, Front Cover.