

The Delray Democrat

Honor Lewis' Legacy by Allowing Returning Citizens to Vote¹

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A day after the U.S. Supreme Court temporarily blocked Returning Citizens from voting, the nation lost a true and steadfast champion of democracy. During an appearance on The Daily Show, U.S. Rep. John Lewis, who nearly lost his life fighting for what he believed in, stated: "I've said it over and over again. The vote is precious. It is almost sacred. It is the most powerful, nonviolent instrument or tool that we have in a democratic society. We should make it easy and simple for everybody to participate."

Unfortunately, such is not the case in Florida. Despite the overwhelming, bipartisan passage of Amendment 4 in 2018, our governor is determined to limit citizen participation in what is touted to be "the world's greatest democracy."

While Amendment 4 stated that returning citizens must "complete all terms of their sentence including probation or parole," Gov. Ron DeSantis took that to mean the inclusion of fines, fees and restitution. The governor claims that that is what the majority of voters wanted as well, but this argument is unsubstantiated.

Perhaps it is reasonable to argue that a fine associated with a sentence should be paid and that restitution for a victim should be honored. However, fines and restitution are owed by a relatively small percentage of individuals.

The majority of returning citizens owe what are termed "court costs." The governor has conveniently skirted this issue, as his recent comments on NBC Nightly News illustrate:

"If you were robbed, and someone's convicted of taking, you know \$3,000 out of your house, and they were ordered to pay you \$3,000 of restitution, and they didn't do it, did they complete their sentence?"

Here's how it really works: According to The Conversation, "Florida's constitution requires the state's courts to finance themselves. Generating their own budget compels the courts to levy 'user fees' on defendants as they progress through the system . . ."

A document obtained from the Palm Beach County Public Defender's office reveals that "Mandatory Costs" include: \$330 for "County & Circuit Criminal Standard Court Costs" and \$88 for "Criminalized Specialized Court Costs." Under the heading of "Specific Offense Costs," there is a \$50 "Indigent PD (Public Defender) Application Fee" and \$100 in "PD Public Defender Fees." Total? \$668, and that's only the beginning for some defendants. (Please note the irony that forces

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the economically disadvantaged to pay for being economically disadvantaged.)

The average owed by a returning citizen is approximately \$1,500, according to Desmond Meade, founder of the Florida Rights Restoration Coalition.

According to the Brennan Center for Justice, a significant portion of these fees are “likely uncollectable.”

In addition to funding the court system on the backs of poor people, court costs also pay for activities for youth and law libraries, to name a few. While worthy endeavors, it is just plain wrong to finance them in this manner.

That is why U.S. District Judge Robert Hinkle described the current situation as a “pay-to-vote system” and declared court costs a tax.

It’s time to honor the legacy of Rep. Lewis and support a more inclusive democracy. We can do so by allowing returning citizens to vote — regardless of their ability to pay onerous costs that have nothing to do with a crime for which they have already served their time. Studies show that voter participation reduces recidivism. That’s a concept for which we should all be willing to fight.