

Florida's Voter Restoration Amendment

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Florida has the most punitive disenfranchisement policy in the nation. Under the Florida Constitution, anyone convicted of a felony is automatically and permanently stripped of the right to vote. Enacted in 1868, it was designed to prevent newly freed slaves from voting, and it remains racially discriminatory in purpose and effect.

Three other states (Iowa, Kentucky, and Virginia) automatically and permanently disenfranchise persons convicted of felonies, but Florida is the only state that requires them to wait at least five years after completing all conditions of their sentence before they can even apply for restoration of their civil rights. As a consequence, more than three times as many people are disenfranchised in Florida (1,686,318) than in the next closest state (Virginia, with 508,680). Nationally Florida accounts for more than one-fourth of the 6.1 million Americans who have been stripped of the right to vote. And half of the 3.1 million Americans who remain disenfranchised even after serving their time are Floridians.

We can do something about this continued assault on one of our most fundamental of rights by collecting enough signatures to put Florida's Voter Restoration Amendment on the 2018 ballot and then working for its passage. The Amendment would automatically restore voting rights to persons convicted of a felony once they have completed all conditions of their sentence (including parole or probation), with the exception of those convicted of murder or a felony sexual offense. (Information about the Amendment and a copy of the petition are both available at <https://www.floridiansforafairdemocracy.com/sign-the-petition>.)

Educating the public will be critical both to gathering enough signatures to put the Amendment on the ballot and ensuring its passage. We must anticipate that Republicans will seize on the Amendment as a means of motivating disaffected party members in a midterm election. And we must be prepared to defuse disinformation campaigns stoking fears of violent criminals (or those people) to the polls.

It is critical to understand that a felony is merely a crime that is punishable by more than one year in prison. Felonies run the gamut from violent crimes like murder and sexual assault down to nonviolent crimes such as possession of marijuana or even passing a bad check to buy food for one's family. The Amendment specifically excludes serious, violent crimes. Moreover, while people of color are overrepresented among the felon population, the overwhelming majority of people denied the right to vote are white.

Moreover, it is important to note that while Florida's automatic disenfranchisement policy has been the law of the state since 1868, it wasn't always as difficult to have one's civil rights restored as it is today. Under revised clemency rules issued by former governor Charlie Crist that share some provisions with those included in Florida's Voter Restoration Amendment, persons convicted of nonviolent felonies had their voting rights restored automatically once they completed all conditions of their sentence (including parole, probation, court fees, and victim restitution requirements).

During Gov. Crist's four years in office, 155,000 former offenders had their rights restored. Even under Jeb Bush a total of 77,000 former offenders had their civil rights reinstated. As soon as Rick Scott was elected, he issued the most profoundly undemocratic rules in America, requiring

former offenders to wait at least five years after completing their sentences before they can even apply for clemency. Moreover, while a four-person board (including Scott and three of his Cabinet members) evaluates clemency applications, Scott has the sole power to reject clemency. Scott thus gave himself the sole power to determine who would be prevented from voting against him in 2014 or voting for Hillary Clinton in 2016.

As a consequence a paltry 2,487 former offenders have had their rights restored during Rick Scott's nearly seven years in office. It is of course bitterly ironic that if CEOs whose companies pled guilty to defrauding the federal government of hundreds of millions of dollars (and paid \$1.7 billion in fines as a consequence) were treated as severely as poor people who pass a bad check to buy groceries for their families at a Walmart, Gov. Scott might have himself had to apply to have his voting rights restored.