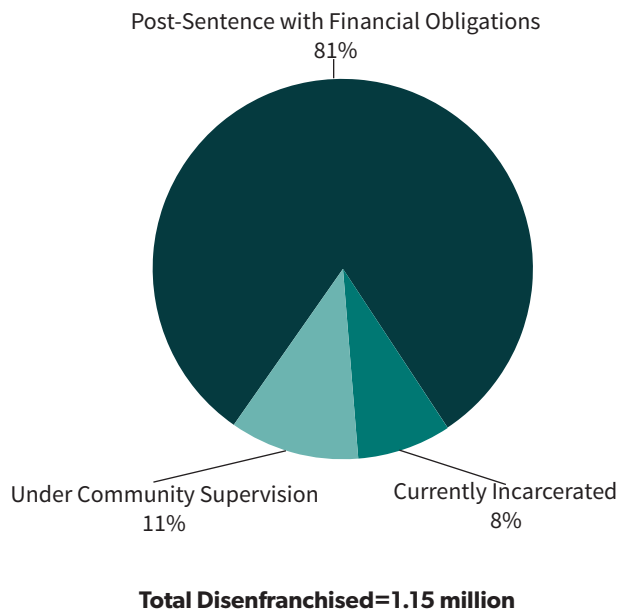


Florida Bans Voting Rights of Over One Million Citizens

Florida surpasses every state in the nation with the largest number of U.S. citizens disenfranchised due to a felony conviction. An astounding 1.15 million Floridians cannot vote because of a felony conviction.¹ The overwhelming majority of this group, 935,000 Floridians, *have completed their sentence* but not yet fully paid court fines, fees, costs, or restitution. They are denied access to the ballot box simply because legal financial obligations are a barrier to re-enfranchisement—a poverty penalty.²

Floridians Denied Voting Rights due to a Felony Conviction



Not only are Florida’s felony disenfranchisement laws and policies an economic injustice, they are also a racial injustice. In 1980, 6% of voting age Black Floridians were disenfranchised.³ In 2022, this rate surpassed 12%. Blacks are significantly more likely to be disenfranchised than non-Blacks in the state, with about one in eight Black Floridians of voting age disenfranchised, a rate roughly 2 times that of non-Black Floridians. The disenfranchisement rate of Florida’s Latinx population is at twice that of the Latinx population nationwide – the eighth highest rate of Latinx disenfranchisement in the United States.⁴

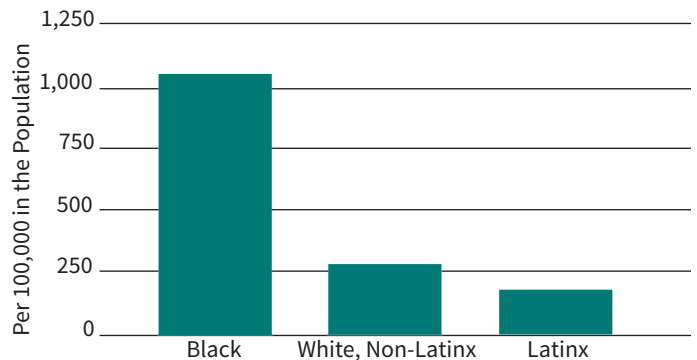
To ameliorate this economic and racial injustice and protect its democratic values, Florida lawmakers should extend voting rights to all citizens with felony

convictions, regardless of their conviction offense, current incarceration or community supervision status and ability to pay legal financial obligations.

Racial Injustice in Florida’s Criminal Legal System Causes Disparities in Disenfranchisement

Felony disenfranchisement inflicts unequal weight on Black Floridians, largely due to disparities in the state’s criminal legal system.⁵

Imprisonment Rate of Floridians by Race & Ethnicity, 2021



Such disparities in incarceration go beyond differences in criminal offending and result from differential practices throughout Florida’s criminal legal system. These examples explain criminal justice practices that have differential effects on racial and ethnic groups:

- All-white jury pools in Florida convicted Black defendants 16% more often than white defendants, according to a study in the *Quarterly Journal of Economics*.⁶

- Prosecutors in Jacksonville and Tampa have been less likely to divert Black and Latinx defendants facing felony charges than their white counterparts, according to a study by Florida International University (FIU) and Loyola University Chicago as part of the Prosecutorial Performance Indicators project.⁷
- Though Blacks represent 17% of Florida’s population they have accounted for 46% of the state’s felony drug convictions since 2004, reports the *Sarasota Herald-Tribune*. Black Floridians get two-thirds more time behind bars for drug crimes than whites, and these disparities persist even after accounting for prior records and severity of crimes. The disparity stems in part from drug-free zone laws that blanket urban communities of color.⁸

Florida should safeguard democratic rights and not allow a racially disparate criminal legal system to restrict voting rights.

Supporting Voting Rights Improves Public Safety

Research shows that an opportunity to participate in democracy has the potential to reduce one’s perceived status as an “outsider.”⁹ The act of voting can have a meaningful and sustaining positive influence on justice-impacted citizens by making them feel they belong to a community.¹⁰ Having a say and a stake in the life and well-being of your community is at the heart of our democracy.

Re-enfranchisement can facilitate successful re-entry and reduce recidivism. The University of Minnesota’s Christopher Uggen and New York University’s Jeff Manza find that among people with a prior arrest, there are “consistent differences between voters and non-voters in rates of subsequent arrest, incarceration, and self-reported criminal behavior.”¹¹ Research also suggests having the right to vote immediately after incarceration matters for public safety. Individuals in states which continued to restrict the right to vote after incarceration were found to have a higher likelihood of experiencing a subsequent arrest compared to individuals in states who had their voting rights restored post-incarceration.¹²

Given re-enfranchisement misinformation and obstacles facing justice-impacted citizens upon re-entry into our communities, one path to bolster public safety and promote prosocial identities is to preserve voting rights during incarceration.

Allowing people to vote, including all persons who are post-sentence paying fines and fees, under community supervision for a felony conviction, or completing felony sentences in prisons and jails, and regardless of conviction offense, prepares them for more successful reentry and bolsters a civic identity. By ending disenfranchisement as a consequence of incarceration, Florida can improve public safety while also promoting reintegrative prosocial behaviors.

Florida Can Strengthen its Democracy by Restoring the Right to Vote

Almost 65% of Florida voters said “yes” to the 2018 ballot referendum – Amendment 4 – which restored justice-impacted Floridians voting rights after completing sentences for felony convictions and any associated probation or parole although it excluded restoration for persons convicted of murder or a felony sexual offense. The Florida legislature then circumvented the will of the people by passing Senate Bill 7066, requiring full payment of restitution, or any fines, fees, or costs resulting from conviction.¹³ This took away the right to vote of a large percentage of justice-impacted Floridians.

For Floridians with past felony convictions who are not eligible under Amendment 4, clemency is their primary pathway to restoration of voting rights. A 2018 study of the outcomes of the Board of Executive Clemency across several administrations found a dramatic decline in the number of people whose voting rights were restored through this route since 2011.¹⁴ While some prior governors restored rights for similar numbers of Black and white Floridians, racial disparity in voting rights restorations grew dramatically beginning in 2011. While Black Floridians comprised 44% of voting rights restorations between 1999 and 2011, they made up only 28% of restorations between 2011 and 2018.¹⁵

Racial injustice permeates not only Florida's criminal legal system, but also its clemency decision-making process. Putting a price tag on voting and excluding justice-impacted people due to their conviction offense limits civic engagement, connection with community, and the construction of pro-social identities.

Florida should ensure all of its citizens can participate in the democratic process. Florida should advance both economic and racial justice by re-enfranchising its entire voting age population.

ENDNOTES

¹ Uggen, C., Larson, R., Shannon, S., & Stewart, R. (2022). *Locked out 2022: Estimates of people denied voting rights due to a felony conviction*. The Sentencing Project. In total, 1,150,944 Floridians cannot vote because of a felony conviction.

² Sebastian, T., Lang, D., & Short, C. E. (2020). Democracy, if you can afford it: How financial conditions are undermining the right to vote. *UCLA Criminal Justice Law Review*, 4(1), 79-116. <https://escholarship.org/uc/item/5m11662b>; Slavinski, I., & Spencer-Suarez, K. (2021). The Price of Poverty: Policy Implications of the Unequal Effects of Monetary Sanctions on the Poor. *Journal of Contemporary Criminal Justice*, 37(1), 45-65. <https://doi.org/10.1177/1043986220971395>

³ R. Larson & C. Uggen, personal communication, October 10, 2022.

⁴ Uggen et al. (2022), see note 1.

⁵ Florida Department of Corrections, Office of Strategic Initiatives. (2021). *Florida Department of Corrections Annual Report, FY 20-21*. http://www.dc.state.fl.us/pub/annual/2021/FDC_AR2020-21.pdf; U.S. Census Bureau. (2020). *Quickfacts: Florida*. <https://www.census.gov/quickfacts/fact/table/FL/POP010220>

⁶ Anwar, S., Bayer, P., & Hjalmarsson, R. (2012). The impact of jury race in criminal trials. *The Quarterly Journal of Economics*, 127(2), 1017-1055. <https://doi.org/10.1093/qje/qjs014>

⁷ Kutateladze, B. L., Dunlea, R. R., Pearson, M., Liu, L., Meldrum, & Stemen, D. (2021). *Race and prosecutorial diversion: What we know and what can be done*. <https://prosecutorialperformanceindicators.org/wp-content/uploads/2021/07/FIU-Race-and-Prosecutorial-Diversion-D.pdf?eType=EmailBlastContent&eld=848d-dac9-938d-41a6-94c9-d405b80d5c50>

⁸ *Sarasota Herald-Tribune*. (n.d.). One war. Two races. <http://projects.heraldtribune.com/one-war-two-races/intro/>

⁹ Uggen, C., & Manza, J. (2004). Voting and subsequent crime and arrest: Evidence from a community sample. *Columbia Human Rights Law Review*, 36(1), 193-216.; Aviram, H., Bragg, A., & Lewis, C. (2017). Felon Disenfranchisement. *Annual Review of Law and Social Science*, 13, 295-311. <https://doi.org/10.1146/annurev-lawsocsci-110316-113558>; Miller, B. L., & Agnich, L. E. (2016). Unpaid debt to society: Exploring how ex-felons view restrictions on voting rights after the completion of their sentence. *Contemporary Justice Review*, 19(1), 69-85. <https://doi.org/10.1080/10282580.2015.1101685>

¹⁰ Uggen et al. (2022), see note 1.

¹¹ Uggen & Manza (2004), see note 8.

¹² Hamilton-Smith, G. P., & Vogel, M. (2012). The violence of voicelessness: The impact of felony disenfranchisement on recidivism. *Berkeley La Raza Law Journal*, 22, 407- 432. <https://doi.org/10.15779/Z38Z66F>

¹³ Brennan Center for Justice. (2022, August 10). *Voting rights restoration efforts in Florida*. <https://www.brennancenter.org/our-work/research-reports/voting-rights-restoration-efforts-florida>

¹⁴ Ramadan, L., Stucka, M., & Washington, W. (2018, October 25). Florida felon voting rights: Here's who got theirs back under Scott. *The Palm Beach Post*. <https://www.palmbeachpost.com/story/news/politics/elections/2018/10/25/florida-felon-voting-rights-who-got-theirs-back-under-scott/5886930007/>

¹⁵ Ramadan et al. (2018), see note 14.