



# Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

## **FLORIDA AMENDMENT 4 – HRDC FACT SHEET**

### ***Not all ex-felons support Amendment 4!***

This November, Florida citizens will be voting on a very important ballot initiative that will impact nearly **1.5 million people in the state**. The restoration of voting rights for people with prior felony convictions is long overdue—but we must ask: why are some people still being **left behind**?

#### **What is Amendment 4?**

Amendment 4, also known as the Voting Restoration Amendment,<sup>i</sup> is a proposed constitutional amendment in Florida. It would automatically restore the right to vote for people with prior felony convictions, except those convicted of murder or a felony sex offense, upon completion of their sentences—including prison, parole and/or probation. Amendment 4 will be up for a vote on November 6, 2018.

#### **What is voting disenfranchisement?**

A person who is *disenfranchised* has been deprived of power or marginalized, often in a way related to their civic participation. Voting disenfranchisement means the government has removed their legal right to vote in elections. People who are currently in prison are almost always disenfranchised; Maine and Vermont are the only states that currently allow prisoners to vote while incarcerated for felony convictions. The restrictions on disenfranchisement for people released after serving their sentences vary by jurisdiction, but in some states disenfranchisement is permanent and voting rights will never be restored, regardless of the offense they committed.<sup>ii</sup>

#### **So what's the problem with Amendment 4?**

The problem with Amendment 4 is that it perpetuates discrimination and bigotry against a sub-class of former prisoners and convicted felons, namely those convicted of murder and sex offenses. All the talk of Amendment 4 supporters about second chances, redemption, reintegration into the community, etc. rings hollow and opportunistic when they made the decision to exclude murderers and sex offenders from the franchise and to enshrine this form of discrimination into the state constitution. No other state constitution, according to The Sentencing Project, singles out citizens by their conviction offense for discrimination with respect to restoration of voting rights.

Around the country, organizations led by former prisoners have made “All of Us or None” a rallying cry against this very type of discrimination. At a very base level, this is the type of law that pits one poor and disenfranchised group against another. Amendment 4 pits people convicted of felonies that are not murder or a sex offense against those with such convictions. It would grant rights to the former at the expense of the latter.

Nowhere in the history of the American franchise has extending the right to vote been conditioned on depriving another group of people their right to vote. When Dr. Martin Luther King, Jr. sought voting rights for Black Americans he did so for ALL Black Americans, not just some of them and, more importantly, not at the expense of disenfranchising Latino Americans or Asian Americans, for example. Most recently the struggle for marriage equality by the LGBTQ community did not seek marriage rights for only some LGBTQ people; they sought it for everyone and not at the expense of any other group. Thus, today a gay prisoner on death row can marry anyone of their choice, of any gender. The LGBTQ community did not take the easy and opportunistic road of excluding any members of their community, nor seek marriage equality at their expense.

The proponents of Amendment 4 are reportedly spending over \$16 million to get the measure on the ballot and to get voters to approve it in November. In some respects, the most important voting has already taken place: by the people who decided to exclude murderers and sex offenders from having the right to vote. No one can point to a single person convicted of murder or a sex offense who has been released from prison, is a productive member of the community and is paying taxes who thinks they should be disenfranchised and not allowed a political voice.

If Amendment 4 passes, it will enshrine bigotry and discrimination against convicted murderers and sex offenders into the state constitution which will make enfranchising them effectively impossible, as it is highly unlikely that such offenders will have their voting rights restored through the existing arbitrary clemency process. No one is talking about spending millions more to get their voting rights restored at some point in the future. More importantly, it will enable even greater discrimination against those convicted of murder and sex offenses in areas such as housing, education, government benefits, etc. by virtue of singling them out for disenfranchisement and thus discrimination.

Amendment 4 provides for restoration of voting rights for Florida citizens with felony convictions—except those with murder or felony sexual offense convictions, even after completing their sentences and fulfilling all prison, parole and probation terms. The Washington Economics Group lays out how restoring the right to vote for people with felony convictions would bring a **\$365 million positive annual economic impact, about 3,800 jobs per year, and an increase of \$151 million to Florida's household income**. However, just as Amendment 4 excludes people with murder and sex offences, so too does the WEG's findings. As of 2015, the most recent data from the Office of Public Policy and Government Accountability found there were 26,845 sexual offenders living in Florida communities.<sup>iii</sup> That means adding those 26,845 people, who have served their sentences for felony sex offenses, would further increase the positive annual economic impact, increase the number of jobs per year and increase the average Floridian household income, if they too could vote.<sup>iv</sup>

Yet neither the authors of Amendment 4 nor their proponents think sex offenders or murderers who have been released from prison deserve a second chance or greater economic opportunity—despite the fact that such offenders have some of the lowest recidivism rates.<sup>v</sup>

### **How many government officials have corruption-related convictions in Florida?**

Meanwhile, as people with felony convictions are disenfranchised from voting, government officials in Florida have their own corruption convictions and are still permitted to hold office. In fact, **from 2003-2013 there were 622 federal public corruption convictions in Florida**.<sup>vi</sup> Despite such convictions, some of those officials are still able to hold office in state and federal government. Moreover, all these corrupt officials, who sold out their offices and undermined the public's trust, will be able to get their voting rights restored should Amendment 4 pass.

Some of those government officials were likely elected through corrupt means in the first place, as **Florida ranks 46<sup>th</sup> out of the 50 states for electoral oversight.**<sup>vii</sup> Overall, **Florida scored a D- in 2015 from The Center for Public Integrity.**<sup>viii</sup> Thus, while hundreds of corrupt public officials have been convicted, there are tens of thousands of citizens in Florida who can't vote due to their own criminal convictions. Why should corrupt government officials be allowed restoration of their voting rights under Amendment 4 when other Floridian citizens who have felony convictions for murder and sex offenses—which have nothing to do with voting rights or public corruption—are excluded under the same ballot initiative?

### **What restrictions do sex offenders have in Florida?**

Even after serving their sentences in prison, on parole or on probation, sex offenders in Florida are required to register for life. Overall, Florida has some of the most restrictive sex offender laws in the United States.<sup>ix</sup> Failure to abide by sex offender registry laws can itself lead to a felony conviction. Registry guidelines include registering in person with the police and reporting two to four times a year for sex offenders and four times a year for sexual predators, providing extensive personal information and notifying the police within 48 hours of a residency move.<sup>x</sup> Other restrictions include not being allowed to live within 1,000 feet of a school, day care, park, playground or other places where children congregate; in some jurisdictions the residency restriction is greater than 1,000 feet. The same goes for employment and volunteering; thus, people with prior sex offense convictions cannot work near places like schools, day cares, parks and other areas where employees or volunteers would be with children (even if their offenses had nothing to do with kids).<sup>xi</sup> In addition to these restrictions and requirements, sex offenders' civil rights are stripped away permanently. Amendment 4 enshrines this discrimination into the state constitution by ensuring that sex offenders remain disenfranchised—which likely will make their already dismal situation even worse. And while some may point to the egregious nature of their crimes, those offenses have nothing to do with voting. For both murderers and sex offenders, the punishment of essentially lifetime disenfranchisement does not fit the crime.

### **Where does the Human Rights Defense Center Stand on Amendment 4?**

While Amendment 4 is beneficial in that it restores voting rights to many convicted felons, we are troubled by the specific exclusion of murderers and sex offenders, and enshrining such discrimination against a class of former prisoners into the state constitution. For 28 years, HRDC has advocated on behalf of all people negatively impacted by the criminal justice system, including sex offenders and murderers. We have never pitted one impoverished, oppressed and vulnerable population against another and, more importantly, we have never advocated for nor sought to advance the rights of any person or constituency to the detriment or loss of rights of any other person or constituency. We want liberty and justice **for all**, not just for some based on their convictions or other arbitrary designations.

We believe that betraying one part of our constituency or throwing them under the bus of political expediency is morally and ethically wrong. Realistically, no one is going to spend money to once again modify the state constitution to enfranchise murderers and sex offenders. We truly do believe the slogan “All of Us or None” should and does apply in this situation. We also ask “What would Dr. Martin Luther King, Jr. do” in this situation? Would he support Amendment 4, which gives the franchise to only some convicted felons—including corrupt government officials—while excluding murderers and sex offenders? We don't think he would. Accordingly, HRDC is not among the groups pushing for Amendment 4, and we oppose this ballot initiative for the reasons cited above. We feel that people who are able to vote should vote their conscience on this issue.

Paul Wright, the founder and executive director of HRDC and a honorably-discharged veteran, was convicted of first-degree murder in Washington State in 1987. He founded HRDC while incarcerated in 1990 and has continued to lead the organization since his release in 2003. He moved to Vermont following his release from prison and voted regularly in elections there because Vermont does not disenfranchise its citizens. His voting and other civil rights were restored by the courts in Washington State, with the assistance of the Washington ACLU. To date, no one has been able to convince Mr. Wright why he should not be able to vote or what his status as a convicted murderer has to do with his voting rights. He is available for media interviews to discuss this issue.



P.O. Box 1151  
Lake Worth, FL 33460  
(561) 360-2523  
[www.humanrightsdefensecenter.org](http://www.humanrightsdefensecenter.org)  
[www.prisonlegalnews.org](http://www.prisonlegalnews.org)  
[www.criminallegalnews.org](http://www.criminallegalnews.org)

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<sup>i</sup> Ballotpedia. *Florida Amendment 4, Voting Rights Restoration for Felons Initiative*. Ballotpedia. 2018.

[https://ballotpedia.org/Florida\\_Amendment\\_4,\\_Voting\\_Rights\\_Restoration\\_for\\_Felons\\_Initiative\\_\(2018\)](https://ballotpedia.org/Florida_Amendment_4,_Voting_Rights_Restoration_for_Felons_Initiative_(2018))

<sup>ii</sup> Wood, E. "Florida: an Outlier in Denying Voting Rights." Brennan Center for Justice.

[https://www.brennancenter.org/sites/default/files/legislation/2018.04.18\\_Criminal\\_Disenfranchisement\\_Map.pdf](https://www.brennancenter.org/sites/default/files/legislation/2018.04.18_Criminal_Disenfranchisement_Map.pdf)

<sup>iii</sup> Office of Program Policy Analysis & Government Accountability (OPPAGA). "Sex Offender Registration and Monitoring: Statewide Requirements, Local Practices, and Monitoring Procedures." The Florida Legislature. December 2015.

[www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1516rpt.pdf](http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1516rpt.pdf)

<sup>iv</sup> The Washington Economics Group, Inc. *Economic Impacts of Restoring the Eligibility to Vote for Floridians with Felony Convictions as a Result of Passage of Amendment 4*. May 8, 2018. <https://drive.google.com/file/d/1sP2BiK-CEmkqJOiKjAgUBAw175H5UP08/view>

<sup>v</sup> Various studies have been done on recidivism rates based on type of offense; for example, see Table 2 in this report: [https://www.cfc.wa.gov/PublicationSentencing/Recidivism/Adult\\_Recidivism\\_FY2007.pdf](https://www.cfc.wa.gov/PublicationSentencing/Recidivism/Adult_Recidivism_FY2007.pdf)

<sup>vi</sup> Wilcox & Stonecipher. *Corruption Risk Report: Florida Ethics Law*. Integrity Florida. January 2016.

[www.integrityflorida.org/wp-content/uploads/2013/03/Integrity\\_Florida-Corruption-Risk-Report-Florida-Ethics-Laws-06.06.12.pdf](http://www.integrityflorida.org/wp-content/uploads/2013/03/Integrity_Florida-Corruption-Risk-Report-Florida-Ethics-Laws-06.06.12.pdf)

<sup>vii</sup> The Center for Public Integrity. "Florida gets D- grade in 2015 State Integrity Investigation." November 9, 2015.

<https://www.publicintegrity.org/2015/11/09/18362/florida-gets-d-grade-2015-state-integrity-investigation>

<sup>viii</sup> *ibid* The Center for Public Integrity

<sup>ix</sup> Delgado & Romanik. "Do Florida Sex Offender Registry Requirements Go Too Far?" Community Law Firm.

<https://communitylawfirm.com/Articles/Do-Florida-Sex-Offender-Registration-Requirements-Go-Too-Far>

<sup>x</sup> Thomas & Paulk. "Florida's Sex Offender Registry Requirements." Tampa Criminal Attorneys. April 4, 2016.

<https://www.tampacriminalattorneys.com/criminal-defense-blog/2016/april/floridas-sex-offender-registry-requirements>

<sup>xi</sup> *ibid* Delgado & Romanik.