DEMOCRACY RISING

The End of Florida's History of Felony Disenfranchisement and Launch of a New Age of Empowerment

FEBRUARY 2019

ADVANCEMENT PROJECT

This report, Democracy Rising: The End of Florida's History of Felony Disenfranchisement and Launch of a New Age of Empowerment, is a project of the Power and Democracy Program of Advancement Project's national office, which advances national and state-level strategies to expand access to the ballot for communities of color and advocates for an affirmative right to vote for all.

Founded by a team of veteran civil rights lawyers in 1999, Advancement Project is a next generation, multi-racial civil rights organization. Rooted in the great human rights struggles for equality and justice, we exist to fulfill America's promise of a caring, inclusive and just democracy. We use innovative tools and strategies to strengthen social movements and achieve high impact policy change. From its national office, Advancement Project uses the same high-quality legal analysis and public education campaigns that produced the landmark civil rights victories of earlier eras. We work in deep partnership with organized communities of color to develop community-based solutions to racial justice issues and to dismantle and reform the unjust and inequitable policies that undermine the promise of democracy.

The Power and Democracy program is dedicated to protecting the right to vote as the foundation of our democracy and works to ensure free, fair and accessible elections for all, particularly communities of color. In collaboration with local and national partners, our Voter Protection program works to identify and eliminate systemic barriers to the ballot box, educate voters, and influence decision-makers to confront burdensome voting restrictions and election administration practices. Our Right to Vote initiative advances a national narrative promoting the establishment of an explicit, affirmative and guaranteed right to vote in our Constitution.

acknowledgements

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A MORE INCLUSIVE DEMOCRACY IS A MORE VIBRANT DEMOCRACY. AND A MORE VIBRANT DEMOCRACY IS BETTER FOR EVERYONE... AND THOSE CLOSEST TO THE PAIN MUST LEAD THE FIGHT TO GET THERE.

DESMOND MEADE,

FLORIDA RIGHTS RESTORATION COALITION

foreword

We are updating our recently released report, *Democracy Disappeared*, on the silencing of the Black vote in Florida through felony disenfranchisement laws. This time we highlight the new empowerment opportunities that exist for the Black vote in Florida. Democracy is reappearing in the Sunshine State following a voter-approved ballot initiative amending the Florida's Constitution to end the dark days for more than a million vanishing voters with felony convictions. On November 6, 2018, over 64 percent of concerned citizens participating in a historic midterm election determined that their right to vote must be shared with those citizens who have completed their criminal sentences.

This amazing development injects new power and energy into the communities described in this report and paints a new electoral landscape that should garner the attention of those who recognize the benefits of an inclusive democracy. Amendment 4 passed overwhelmingly after we published our original report. This report remains a relevant portrayal of facts and circumstances that will change once the Constitutional amendment is immediately and fully implemented. As we move forward, we also look back.

A year after Advancement Project's national office opened its doors, we rushed to Florida to investigate how democracy was robbed during the 2000 Presidential Election. Hundreds of Black voters were illegally removed from the voter rolls through a purge that erroneously categorized them as ineligible due to felony convictions. After suing the state over that issue and other voting barriers, we knew that the cracks in our democracy were real and had significant consequences.

What also rang true is that while those purges were wrong, millions of other people could not exercise their right to vote under Florida law because of past convictions. In 2003, Advancement Project's national office was honored to become a founding member of the Florida Rights Restoration Coalition (FRRC) that sought to fix this historic and discriminatory wrong.

That work really took off when someone who had been impacted by this unfair law became the leader of the organization. I met Desmond Meade when he joined FRRC bringing passion and

purpose to the work as someone who knew firsthand what it meant to be a Returning Citizen who could not vote. He shared his story and urged a mass, statewide response to Florida's practice of felony disenfranchisement. I remember vividly Desmond standing before a group of progressive organizations in 2012, calling for a ballot initiative to amend the Constitution to forever end this legacy. Many people in the room were skeptical but many of us knew it was time. Advancement Project's national office has long understood the sordid history of these laws, the collateral consequences of mass incarceration and the systemic barriers to the ballot among communities of color. Moreover, our work has always been driven by needs identified by impacted communities. We immediately joined with Desmond to bolster his grassroots efforts to build support for rights restoration in Florida.

Advancement Project's national office is proud to be a part of this movement in Florida, Virginia, Louisiana and elsewhere. The racist history of these laws, and the negative impact of them on communities of color, requires that we restore the civil rights of Returning Citizens. For too many, the harsh, unjust criminal justice system has not only destroyed their lives, but also their communities. They have only recently regained their ability to hold the system accountable. We are committed to the grassroots movement now embodied in FRRC and other groups dedicated to achieving justice for disenfranchised community members and the neighborhoods to which they return. We offer this report, *Democracy Rising: The End of Florida's History of Felony Disenfranchisement and Launch of a New Age of Empowerment*, to cast this as an urgent racial justice fight and to identify clearly the frontlines of the skirmish in Florida's communities of color. We hope to inspire more support, investment and organizing in the Black communities that have the most at stake.

It took all of us to win. Thanks to FRRC and Desmond Meade for their partnership, vision and leadership.

We will continue to work with our partners to focus on the total inclusion of new voters, whose rights are now enshrined in the Florida Constitution. We will continue to support efforts to carry forward the vision to uplift and transform communities spotlighted in the report. The voters have spoken clearly. Our democracy is strong only when there is true liberation, equality, and redemption.

Judith Browne Dianis
Executive Director
February 2019

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EXECUTIVE

Felony disenfranchisement is not a new phenomenon. Its roots are **lodged deep in the founding of this nation.** Laws and practices that deny the right to vote to individuals with felony convictions have existed since the time of the ratification of the United States Constitution. These laws are a **remnant of the era of slavery**, and they were applied with vigor to the Black community following the ratification of the Fifteenth Amendment, which granted former slaves the right to vote.[1] As a part of a backlash against Reconstruction efforts to address the inequity of slavery, felony disenfranchisement became a potent tool for the White establishment to **stymie the empowerment** of the Black community.

SUMMARY

Floridians are quite familiar with this story. Florida was one of four states that permanently disenfranchised those with felony convictions. Today, pending implementation of Amendment 4, over 1.68 million people in Florida are banned from voting—many even decades after they have completed their sentences. Equally troubling is the poor, socio-economic state of the neighborhoods to which individuals return after serving prison time. Those neighborhoods—many of which are predominantly Black—often lack political voice and economic power and are limited in the full freedom to thrive in equity and self-determination.

Using data from the United States Census Bureau's American Community Survey and the Florida Department of Corrections, we located the zip codes (designated as neighborhoods) to which released inmates relocated after leaving prison. We analyzed the socio-economic conditions of those neighborhoods in 10 Florida counties with significant Black populations where Advancement Project and our partners work. We located approximately 100,000 individuals who were released from Florida prisons from 2012 to 2016 and returned to neighborhoods in the state.

Our analysis shows that Returning Citizens in Florida are found at higher rates in both poor and Black neighborhoods, and Returning Citizens are disproportionately Black. A disproportionate 43 to 44 percent of Florida's Returning Citizen population is Black, while the Black population of the entire state is only about 17 percent. We also found that Returning Citizens reside disproportionately in Black neighborhoods in Florida. Specifically, the data shows Black neighborhoods in Florida experience adverse socio-economic conditions: lower median incomes, higher child poverty rates, lower educational attainment, and high unemployment—all of which are associated with felony disenfranchisement and the prevalence of Returning Citizens.

Further analysis showed a relationship between the number of Returning Citizens in a neighborhood and the socio-economic state of a neighborhood—the higher the number of Returning Citizens in a neighborhood, the poorer the neighborhood's socio-economic outcomes, as compared to county and state median statistics. These relationships are conspicuous at the county level across socio-economic indicators, and especially pronounced in Black neighborhoods—even when these relationships are not prominent at the state level.

Felony disenfranchisement was one among many simultaneous challenges faced by Returning Citizens and the neighborhoods where they live. The correlation between socio-economic hardships and high numbers of disenfranchised Returning Citizens in these neighborhoods in these counties suggests a relationship between community conditions and the political franchise of Returning Citizens. The statistical relationships raise questions about the extent of the impact of felony disenfranchisement on

Before Amendment 4's passage,

1,680,000

Floridians were disenfranchised.

21%

of Black Floridians were disenfranchised.

Approximately

500,000

Black Floridians could not vote.

both those disenfranchised and the communities in which they reside—communities that are often predominantly Black and already beset with over-policing, over-incarceration and hindered in their efforts to change the conditions of their community.

Disenfranchised Returning Citizens were unable to influence elections in their communities and were denied a voice in local decision-making related to the socio-economic conditions they experienced. The absence of large swathes of voters from local and state-level elections has real-world effects. Candidates, including incumbents, may find it easy to ignore communities that do not have registered voters. This hurts the entirety of neighborhoods where Returning Citizens live, not just those whose voting rights were taken away. The addition of over a million voters to Florida's electorate will make our democracy more representative. We posit that the theoretical and mathematical possibilities illustrate the grave impact of the removal of so many voters from our democratic process—especially at the local level.

Our hope is that this report will spark conversations across Florida and the nation about felony disenfranchisement and its role in a system of inequities imposed on poor and Black communities. For some, including many in our selected neighborhoods where widespread disenfranchisement became almost commonplace, this report merely validates their life experiences and what they already know. We also hope this report will reach those unfamiliar with felony disenfranchisement who will be shocked by its many immediate and reverberating consequences for our democracy.

No analysis of felony disenfranchisement would be complete without the voices and experiences of those who were impacted directly by this institutionalized practice of disempowerment. Thus, featured here are stories of individuals whose lives exemplify the injustice of the unreasonable additional punishment once enacted on them by Florida's felony disenfranchisement law and process. These are stories of perseverance, redemption and triumph from individuals who have met their responsibilities to redress their convictions and have completed the rehabilitative steps required by

our systems of "justice." These testimonies are a reminder that permanent disenfranchisement of our fellow citizens is unjust and wasteful and that our communities would benefit enormously from the full participation of all people. These stories convey the human impact of disenfranchisement, along with many other challenging socio-economic conditions, on the lives of real people and their families, including children. We share these stories in the report in order to center Returning Citizens' experiences and voices as the moral core of this work.

Restoration of the right to vote to Returning Citizens will have a powerful societal impact by helping to amplify currently marginalized political voices—especially in Black communities, where so many are disenfranchised and where a lack of voter participation prevents community engagement and representation in local decision-making.

Like other voter suppression tactics, felony disenfranchisement has a long history rooted in slavery in the US. It is also an outgrowth of our failure to have enshrined in our federal Constitution an affirmative right to vote.[2] Felony disenfranchisement is an egregious by-product of a piecemeal, state-by-state approach to the franchise and election administration that has allowed the suppression of millions of votes. Even more troubling, communities of color continue to be disproportionately impacted by these laws. For these communities, felony disenfranchisement is one thread interwoven in a web of disempowerment, along with numerous unjust institutional mechanisms, such as regimes of over-policing and mass incarceration, community underfunding, voter suppression, school privatization—all of which disproportionately affect Black communities. Unraveling felony disenfranchisement is a meaningful step toward the empowerment of currently under-represented communities in Florida.

THIS REPORT OFFERS A FEW RECOMMENDATIONS

1. IMMEDIATELY AND FULLY IMPLEMENT AMENDMENT 4 TO THE FLORIDA CONSTITUTION
2. REFORM FLORIDA'S RULES OF CLEMENCY
3. INVEST IN RE-ENTRY AND REMOVE ROADBLOCKS TO RE-INTEGRATION
4. REDUCE HARSH SENTENCING RULES AND PRACTICES
5. SUPPORT CIVIC ENGAGEMENT IN COMMUNITIES OF COLOR, ESPECIALLY AMONG RETURNING CITIZENS AND OTHER IMPACTED COMMUNITIES
6. DIVERSIFY DATA COLLECTION REGARDING RETURNING CITIZENS AND THE COMMUNITIES WHERE THEY LIVE
7. ESTABLISH A FUNDAMENTAL RIGHT TO VOTE IN THE U.S. CONSTITUTION

about democracy rising

This report breaks new ground by providing a Florida neighborhood-level analysis of felony disenfranchisement and related socio-economic factors, including a discussion of the potential impacts of political disempowerment at local levels. We offer it as a supplement to existing state and national level research.[3] Highlighting the outcomes and experiences in communities of color in Florida, the report is intended for use by grassroots organizations and other stakeholders in their efforts to address felony disenfranchisement and other neighborhood challenges.

The study provides demographic and socio-economic data on 10 counties—Broward, Miami-Dade, Duval, Escambia, Gadsden, Hillsborough, Orange, Osceola, Palm Beach and Pinellas—that hold 50.5% of Florida's population of individuals with felony convictions released from incarceration from 2012 to 2016. These counties vary in geographic size and location, population size and racial composition, rurality, and in other aspects. They were selected, in part, because they have significant populations of people of color.[4]

METHODS + DATA

Datasets from the United States Census Bureau (U.S. Census) and the Florida Department of Corrections (FDOC) Offender Based Information System (OBIS) database were analyzed, with zip code serving as our unit of analysis.[5] The American Community Survey (ACS) Five-Year Estimates for 2012 and 2016 from the U.S. Census provided data on selected socio-economic characteristics[6] in zip code tabulation areas (ZCTAs)[7] located in Florida. FDOC OBIS provided datasets of released inmates (1997 – 2016) and state location after release.[8] We identified 99,103 Individuals between 2012 and 2016 who returned to zip codes in Florida; this dataset was combined with the ACS 5-Year Estimates' dataset for 2012 and 2016.[9]

While their numbers are substantial, individuals still under supervision (e.g., parole or probation) are not included in our primary dataset.[10] Reasonable people differ as to whether and how individuals under community supervision, versus incarcerated, should be treated distinctly for the purposes of rights restoration. For example, Florida's 2018 Voting Restoration Amendment ballot initiative granted automatic rights restoration for Returning Citizens upon completion of their sentences, including terms of probation and parole,[11] whereas Louisiana advocates seek rights restoration for individuals still on parole or probation.[12] In our view, the disenfranchisement of parolees and probationers is unjust, but we do not offer a comprehensive analysis here, in part because the dataset here does not allow for efficient or reliable tracking of compliance with terms of supervision after release.[13] Those currently incarcerated or serving jail, probation or other non-incarceration sentences are also not included in our data analysis.[14] Thus, our tabulations count only those released from incarceration with no further terms of supervision.[15] Recidivism rates[16] are not considered here, due to similar tracking challenges and to avoid speculative estimations. We have also not excluded individuals convicted of murder and sexual offenses, assuming such omissions would not significantly alter our overall conclusions here. The report does not attempt to address contested questions as to how rights restoration should be handled for this population of offenders.

TERMINOLOGY

Throughout this report and following the lead of FRRC, we use the term **"RETURNING CITIZENS"** to refer to formerly convicted people who share common experiences of disenfranchisement and other challenges. This community includes many who have never been sentenced to prison nor separated from their communities by incarceration. The term "Returning Citizen" does not imply a universal "return" from incarceration, nor the loss or regaining of any official citizenship status under the law. Indeed, not all those impacted by felony disenfranchisement have been incarcerated; rather, many have served alternative sentences, like probation, rehabilitation treatment or local jail terms. Also, not all are citizens (e.g., some may be legal permanent residents).

> Not all those impacted by felony disenfranchisement have been incarcerated; many have served alternative sentences.

For the purposes of this report, we examined FDOC Released Inmate data (i.e., individuals previously incarcerated due to felony convictions then released) as a proxy to analyze the experience of Returning Citizens generally.[17] The data and experiences of these releasees—*a subset of the broader Returning Citizen population*—provides a reasonable extrapolation of the experiences of this population at large. Because the conclusions drawn from our data analysis apply to the general population of Returning Citizens, we maintain the use of the term throughout the text and in graphics illustrating the data analysis.[18] Note, however, that our datasets actually refer precisely to just one subset of the entire Returning Citizen population, and were analyzed apart from other data and resources.

We use the term **BLACK** to refer to African Americans and other members of the African diaspora. We use the term **LATINX**, in lieu of Latino/a, to refer to people identified as Hispanic, Latin American, or descending from Latin-American countries. Unless otherwise noted, we maintain the terms used in government databases and reports, and other publications (e.g., Hispanic or Latino, Black or African American) when citing these sources.

DIVERSITY + INCLUSION

The population of Returning Citizens is as racially and ethnically diverse as the general population itself,[19] and communities of color share common challenges of voter suppression and other systemic inequities. This report does not offer a comprehensive study of felony disenfranchisement and its impacts on each racial or other identity group. While such an exploration is essential to any full understanding of this issue, we offer this report as an initial effort to look at localized, neighborhood impacts, starting with the Black community in light of its disproportionate representation in the Returning Citizen population.

Florida is among the most diverse states in the nation, with a large and rapidly-growing Latinx population.[20] Likely, Latinx communities are also disproportionately affected by felony disenfranchisement, as Latinx people are incarcerated at rates disproportionate to their representation in the general population as compared to Whites.[21] But we do not provide analysis of Latinx Returning Citizens because the collection of data on racial identity of released inmates in the FDOC dataset is unclear.[22] We cannot reliably identify or estimate the numbers of Latinx releasees.[23] The datasets also do not include immigration status or related information, and we assume these numbers to be insignificant for our purposes.[24] Further research on Latinx Returning Citizens and Latinx communities, as well as immigrant Returning Citizens and immigrant communities, is needed but is beyond the scope of this study.

Indeed, we do not attempt to explore the nuances of all the varied experiences of the diverse population of disenfranchised people with felony convictions, such as immigrants, youth of color, lesbian, gay, bisexual, transgender and queer people, and women, among others who have increasingly been ensnared in the criminal justice system. Individuals who claim these identities almost certainly exist in the Returning Citizen population and are encompassed within our dataset, but they are not identified. For instance, data as to immigration status, gender identity and sexual orientation was not collected. Also, deferred for later, are explorations of varying experiences and outcomes based on age and gender, or other distinguishing characteristics.[25] Surely, Returning Citizens of these specific identities have their own stories to tell, even if they share commonalities with the Black community and Black Returning Citizens featured here. We look forward to future studies that illuminate these unique challenges and experiences.

“It is the wound that refuses to heal. They say they want you to be a productive citizen, but they deny you the right to be productive, to vote. It hurts a lot. It feels like I’m part of a team, but I can’t play. We won a trophy as a team, but I didn’t give out a towel. I didn’t get a drink for the players. I was just a silent participant just looking. So, it’s painful. Especially election times. I am a 55-year-old man

who hides on election days. People ask me on election day, 'Oh, did you vote?' I cannot say, 'Yes, I voted.' So I just evade the question altogether. I don't answer, I change the subject. Which I shouldn't have to do. I did my time. I should be proud to say, 'I voted.' I've been employed, I am in my community and family life."

Anthony Bozman, Returning Citizen
with a 27-year-old conviction prior
to the passage of Amendment 4

INTRODUCTION

Today in the United States, felony disenfranchisement prohibits over 5.1 million people from voting, many even decades after they have completed their sentences.[26] Among the more insidious and reverberating consequences of felony disenfranchisement is the dampening of the political power of Returning Citizens and the communities where they live. Unable to vote, Returning Citizens have little or no ability to participate in the governance of their communities, to change conditions, or to hold elected officials accountable. Florida is considered ground zero for the calamity of felony disenfranchisement. Until November 2018, a total of 1.68 million people in Florida were disenfranchised, representing over 10% of Florida's voting-age population.[27] Disenfranchised Floridians represented over one-quarter of the 6.1 million disenfranchised in the country. The passage of Amendment 4 in Florida in 2018 automatically restores voting rights for Returning Citizens who have completed their sentences including parole or probation.

For Florida, this was undeniably a statewide problem. But evidence suggests that the impacts of felony disenfranchisement still have disparate impacts based on communities' class (i.e., income and poverty levels) and racial compositions. Our analysis shows a strong relationship between income levels and the numbers of Returning Citizens in communities across Florida. Lower income communities, regardless of race, are likely to have larger numbers of Returning Citizens. Economic disadvantages are pronounced in poor communities and communities of color, where relatively higher numbers of Returning Citizens live. Poor people of all races are more likely to experience the disadvantages associated with Returning Citizens' disenfranchisement.

Such disenfranchisement on its own is a travesty of our criminal justice system and a perversion of the notion of justice. Evidence of racial disparities in impact, disproportionate representation and potential discrimination in application makes felony disenfranchisement law and practice even more alarming. A reckoning with the racist origins of this nation's restrictive voting laws and their present-day perpetuation is long overdue.

Felony disenfranchisement is a relic of Reconstruction-era voter suppression laws designed to disempower newly-emancipated Black Americans. The disproportionate silencing of Black voices continues the legacy of Jim Crow. By now, it is

6,100,000

People in the U.S. cannot vote due to felony disenfranchisement.

1,680,000

of those people lived in Florida before Amendment 4.

In other words, before Amendment 4...

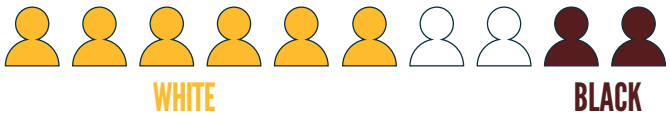
27.5%

of the country's disenfranchised Returning Citizens were in Florida.

10.6%

of Florida's voting-age residents were disenfranchised prior to Amendment 4 passage.

In Florida, 6 out of 10 residents are White, and 2 out of 10 are Black.



On the other hand, 2 out of 10 Returning Citizens are White, and 4 out of 10 are Black.

indisputable that communities of color are disproportionately impacted by our country's mass incarceration regime. The impacts and real-world consequences of *mass disenfranchisement* due to felony convictions are lesser known.

This report shows that the injustice of felony disenfranchisement and the devastating community outcomes associated with it were disproportionately seen in Florida's Black communities. Analysis of neighborhood level data and our particular focus on neighborhoods of color provide a localized view of this systemic and racialized injustice. We show here the links between disenfranchisement of Returning Citizens and particularly challenging conditions in Black neighborhoods in selected Florida counties, where significant numbers of people return once they have completed their incarceration. Detailed neighborhood data analyses of the 10 selected counties of Broward, Duval, Escambia, Gadsden, Hillsborough, Miami-Dade, Orange, Osceola, Palm Beach, and Pinellas show that Returning Citizens are found disproportionately in Black neighborhoods.[28]

Furthermore, Returning Citizens are disproportionately Black, relative to the general population. We also find a correlation between adverse socio-economic conditions and the prevalence of Returning Citizens and Black population percentages in these counties. Socio-economic indicators, such as median income, child poverty rates, education attainment and unemployment rates, show persistent inequities in these same communities. Black neighborhoods are likely to experience relatively poor socio-economic conditions. They are also likely to have higher numbers of Returning Citizens and therefore have more disenfranchised community members.

Our finding of glaring relationships across communities between numbers of Returning Citizens, Black population percentages and socio-economic outcomes suggests that felony disenfranchisement was a determinative factor in the conditions of the community. Thus, felony disenfranchisement is not only a barrier to civic engagement for scores of individual voters. It also operated as a constraint on the aspirations and advancement of entire communities—particularly voters and Black communities.


ANTIOCH

A FLORIDA STORY OF DISENFRANCHISEMENT

Feeling Invisible, Voiceless

Anthony Bozman, 55, is married and has five adult children. His wife of 20 years, Varonnica, works in an assisted living center for seniors. His children, ages 26 to 34, are independent and upstanding citizens. Anthony works hard at his two jobs, pays taxes and contributes to his community as a volunteer providing help for the homeless and for advocacy organizations.

In 1991, Anthony was involved in a fight that resulted in him firing gunshots into an unoccupied building. He was on private property with a gun and was charged with an aggravated felony. Anthony was convicted and served four years in prison. His arrest led to a personal revelation that he could do better with his life. He never made excuses for his past transgressions. Rather, he reflected on his life and upbringing and realized he needed to transition into a better way of living as an adult. Anthony credits a solid family support system and a strong education with enabling him to get on the right track back into society.

He has tried to put his felony conviction from 27 years ago behind him. He served his time, reflected on his mistakes, reached new personal heights and has maintained a positive outlook and exemplary life since then. He is a productive citizen. But much like other former offenders, he faced one implacable barrier: He was unable to vote. To Anthony, the right to vote is essential to any individual's full acclimation and return to society. He applied to Florida's Clemency Board for rights restoration around 2000, but as of 2013 he was told his application was sitting in Tallahassee and had not been processed. In the 2018 midterm elections he regained his ability to register to vote.

Since his release in 1995, he has not stopped working. He has resolutely confronted and overcome obstacles in his way to find opportunities, earn a living, support his family, and advocate for what's right in his community. Continued denial of his right to vote meant that even after almost 30 years since his conviction, and despite his many achievements and his undisputed rehabilitation, Anthony was not fully accepted as a member of our society and not an equal citizen. "I am feeling invisible, like I am voiceless," said Anthony ahead of the 2018 midterm elections. "As Ralph Ellison said, 'an African-American male is not acknowledged in this country as a man and as a human for that matter.'"

Felony Disenfranchisement's

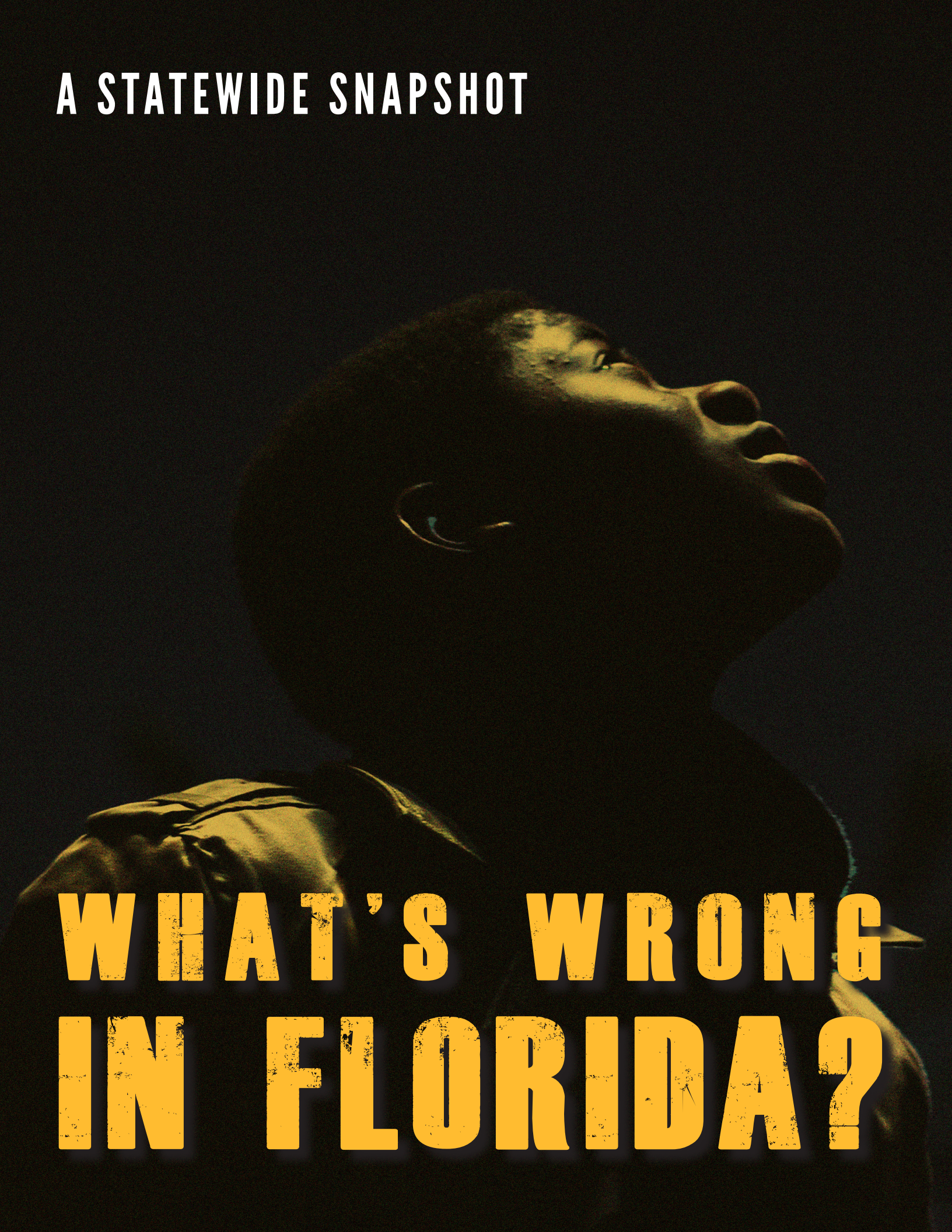
ROOTS OF RACISM

The roots of disenfranchisement can be traced back to the founding of the nation. These laws and practices, which deny the right to vote to individuals with felony convictions, have existed since the time of the ratification of the Constitution.[29] These laws, which were enacted in America as early as the 1600s, espoused a punitive principle that those who violate social norms disqualify themselves from participating in the political process.[30] By 1868, 29 states had implemented felony disenfranchisement laws.[31] Although often race neutral on their face, these laws are steeped in the history of slavery and oppression of the Black community. The nation's dependence on slavery and the endemic exploitation of Black people, allowed the nation's political institutions to use felony disenfranchisement as a potent weapon to oppress and control former slaves and the Black community as a whole.[32] Felony disenfranchisement remains one of the major barriers erected to curtail the democratic participation of communities of color.

After the Civil War in the late 1860s, Congress enacted the Reconstruction Amendments to end the institution of slavery: the Thirteenth Amendment abolished slavery;[33] the Fourteenth Amendment granted citizenship status to African Americans;[34] and the Fifteenth Amendment prohibited the denial of the right to vote to citizens on account of race, color or prior conditions of servitude.[35] This expansion of civil rights to Black people created a backlash from the southern, former slave-holding states, where White supremacist power structures sought to maintain full control of the region's social and economic institutions. Suffrage for the masses of new Black citizens was a categorical threat to the southern White monopoly on power. To counter this threat, many southern states broadened felony disenfranchisement laws by focusing on crimes attributed disproportionately to Black Americans.[36] For instance, Mississippi disenfranchised those convicted of burglary and robbery, which were thought to be "Black" crimes, but did not disenfranchise murderers and rapists.[37] In concert with Jim Crow laws and an array of voter suppression tactics, including the use of blatant intimidation and violence, felony disenfranchisement efforts effectively blocked Black communities out of circles of power.[38] Florida's lifetime felony disenfranchisement law was added to the Florida State Constitution in 1868.[39] Even after the passage of the Reconstruction Amendments, the exclusion of Black voters continued. In fact, Florida initially "rejected the [Fourteenth] Amendment and established additional crimes, including a new, expansive type of larceny, in order to address the altered condition of free [B]lacks living in the state."[40] Other discriminatory practices included literacy tests, property qualifications, grandfather clauses, poll taxes and "White primaries" used from the 1880s through the early 1900s.[41] The compounded impact of these tactics over time was the maintenance for decades of a White supremacist racial hierarchy.

The entire South, encompassing all the former slave-holding states of the defeated Confederacy, have strict felony disenfranchisement laws to this day.[42] Today, of the 6.1 million people across the U.S. who are denied the right to vote due to previous felony convictions,[43] over 2.2 million of these people are African Americans, 40% of whom have completed their sentences.[44] High incarceration rates in the Latinx community suggest that Latinx people are also likely to be disproportionately disenfranchised, relative to their population rates, as a direct and collateral result of felony convictions.[45] By and large, the casualties nationwide are found in heavy concentrations in communities of color, especially in Black communities.[46] Despite the nation's uneven progress toward racial justice, the racist legacy of felony disenfranchisement laws continues.[47]

A STATEWIDE SNAPSHOT



WHAT'S WRONG IN FLORIDA?

Florida was one of four states where, under the state constitution, a felony conviction resulted in a lifetime loss of civil rights, including the right to vote.[48] Under the Florida Constitution, until recently amended, a person was denied the right to vote upon conviction of a felony for life,[49] unless they receive a "restoration of rights."[50] Florida's felony disenfranchisement law before passage of Amendment 4 was roughly the same as when it was inserted into the State Constitution 150 years ago. A 1968 constitutional revision narrowed the application of the disenfranchisement provision only to those convicted of felonies but maintained lifetime disenfranchisement.[51] The law survived a 2005 racial-discrimination-based challenge in Federal court: the court ruled that the law did not violate the Equal Protection provisions of the U.S. Constitution.[52]

The power to restore civil rights, including the right to vote, serve on a jury or hold public office, was vested in the Governor and the Cabinet.[53] There is widespread agreement that the previous rights restoration rules imposed by Governor Rick Scott's Clemency Board were patently unfair.[54] The rules imposed 5- and 7-year waiting periods for eligibility and instituted hearings giving the Clemency Board arbitrary decision-making authority.[55] The process of rights restoration under Gov. Scott has slowed to a trickle.[56] Since 2011, the clemency rules have been arbitrary and so restrictive that less than 3,000 people have had their rights restored.[57] By comparison, the previous governor restored the rights of 155,000 between 2007 and 2010, while the governor before him restored the rights of 77,000.[58] Under Gov. Scott, the backlog of applicants remained consistently over 10,000.[59] Hundreds of thousands of others were not even *eligible* to apply to have their rights restored due to the lengthy waiting periods imposed *after* the completion of their sentences.[60] The Clemency Rules are currently being challenged in court.[61] Florida's judiciary condemned the state process, concluding that "Florida's arbitrary slow drip of vote-restorations violates the U.S. Constitution," and characterizing it as "at a snail's pace guided by absolutely nothing."[62] Florida voters, however, on November 6, 2018, approved Amendment 4 to abolish the unfair rights restoration process by Constitutional Amendment, which provides automatic rights restoration to Returning Citizens.[63]

Massive numbers of people have been disenfranchised in Florida due to felony disenfranchisement.[64] Returning Citizens represent a cross-section of Florida's general populace.[65] Florida comprises less than seven percent of the entire U.S. population.[66] Yet, Floridians constituted over one-quarter (25%) of those across the nation unable to vote due to felony convictions.[67] Disenfranchisement—extensive, prolonged and permanent—in combination with other forms of voter suppression, influences

the composition of Florida's electorate and potentially the outcomes of numerous elections.[68] Florida's democracy is one in which a large segment of the population is simply unrepresented. The voices and votes of poor Floridians of all races in large numbers are excluded from electoral decisions, large and small.

Notably, across the nation, felony disenfranchisement is a plight that disproportionately affects people of color.[69] While more than 10 percent of the entire voting age population is permanently barred from voting due to a felony conviction,[70] one-third of the disenfranchised are Black.[71] Meanwhile, one in five (at least 20 percent) African Americans in Florida were disenfranchised.[72] In numbers disproportionate to their percentage of the general population, large segments of the Black community were being excluded from the democratic process—unable to participate in any elections.[73] Thus, without the full force of Amendment 4, felony disenfranchisement is one major obstruction to Black communities' efforts to exert power in democratic decision-making in Florida.

High disenfranchisement rates and low voter participation have real-world ramifications for the people and democracy in Florida and across the United States. Looking back at past Florida elections, some relatively small margins of victory are striking, when juxtaposed against exorbitant numbers of voters disenfranchised from these elections.[74] Every voter counts—as does every excluded voter—especially when races are won by relatively slim margins. Memorable to many, in the 2000 U.S. Presidential election, George W. Bush won Florida by 537 votes,[75] as more than 12,000 individuals were purged from the voter rolls for mistaken felony convictions.[76] That same year, 600,000 people in Florida with felony convictions had completed their sentences but were not permitted to vote.[77] Gov. Scott, who in 2011 erected the strictest barriers to rights restoration to keep hundreds of thousands off the voter rolls, was elected in 2010 and re-elected in 2014, by paltry margins of, respectively, 61,550 and 64,145 votes statewide.[78] Local and municipal elections have been decided by even closer margins and smaller numbers of votes, dictating the composition and direction of city councils, county commissions, school boards and other elected bodies across the state.[79] While it is impossible to prove that any of these outcomes would have been different had Returning Citizens been added to the rolls—and we make no such claim here—it is important to consider the cumulative value of each vote and voter. What might have happened in any given election is always a matter of speculation, but it is a mathematical certainty that adding voters to any race would make a difference, begging the question: What if *everybody* could have voted in Florida?

Evidence suggests that the consequences of felony disenfranchisement fall disproportionately on poor communities and communities of color, which are likely to have high concentrations of Returning Citizens who are disenfranchised.

LIKE A WHOLE PERSON AGAIN

“JB” endured a lonely childhood, a troubled adolescence and a series of bad choices and challenges as an adult. Nonetheless, he persevered and built a life filled with family, love, hope and restoration. JB, at 61, is a father of three adult children, grandfather of six and great-grandfather of five.

Born in St. Petersburg in 1955, JB was raised as a young boy by his grandmother and aunts while his teen-aged mother, who was hearing-impaired, attended a special school in St. Augustine. During his mother’s absence, JB was passed around to various family members. He felt misunderstood and yearned for love in an unstable environment. He was neglected and physically abused. Seeking love and attention,

he acted out and got in trouble for bad behavior. At age nine, JB was sent to a foster home where he lost connection with his family. After four years, he ran away from foster care and returned to his mom and four sisters.

In 1972, JB was charged and convicted of armed robbery. At age 17, he was sentenced as an adult and served approximately four years in an adult prison. Incarceration as a teenager marked the rest of his life. He had difficulty getting on track to a stable life. Between 1989 and 2009, he was arrested in two other incidents, as well as for violating parole, for which he served additional time. The incarceration and intermittent absences were hard on his children, who were close with him and depended on him. Having several offenses on his record made life difficult, even as he has tried to lift himself up to support his family and to improve his life. Decent-paying jobs to cover basic living expenses—like rent, utilities, and food to sustain his family—were elusive. He had trouble finding apartments because many landlords simply refused to rent to people with convictions.

In 2014, JB was embroiled in another incident, which resulted in his arrest. In an escalated dispute with a cab driver in which no one was hurt, and no threat or harm to life was sustained, JB was charged and convicted of attempted murder. During his sentencing, his 40-year-old conviction from 1972 was considered in labeling him as a habitual felony offender. He served the majority of a four-year prison sentence, ending in October 2017.

Since his return to his community, JB has been active as an advocate for a local non-profit organization, but he has found it difficult to make it. “I can find work, but it is not sustainable in terms of being able to take care of [our] families or cover [our] living expenses. It’s hard to sustain an apartment, utilities and food on the table,” he said.

JB had his right to vote restored in time to be able to vote for the first time in his life in 2008. He voted for President Barack Obama. It was a powerful experience for him. In that moment he felt “like a whole person again, because he could make a difference that needed to be made.” He had grown up with the common mindset among young people of his time that voting would not make a difference—that he could not make a difference. In 2008, he saw how using his voice can have an impact, and it is extremely important to him to have his voting rights restored. With a hopeful and positive attitude, he aspires to make a difference again.

SIGNIFICANT IMPACTS

ON FLORIDA'S BLACK COMMUNITIES

SELECT COUNTY DATA [80]

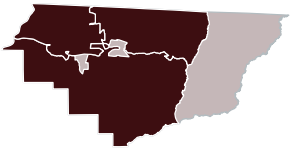
The disappearance, due to felony disenfranchisement, of over one-and-a-half million voices from the electoral landscape still affects all Floridians, but the impact is not spread evenly across all communities or across the state. Evidence suggests that the consequences of felony disenfranchisement fall disproportionately on poor communities and communities of color, which are likely to have high concentrations of Returning Citizens who were disenfranchised prior to Amendment 4's passage. High numbers of people with felony convictions return, upon their release, to geographic areas where people of color live. Note that our research focuses specifically on the Black community. The FDOC data collected related to Latinx, Native American and Asian American, Native Hawaiian people and Pacific Islanders is insufficient to allow for reliable analysis of socio-economic impact and disparities at the zip code and neighborhood level.

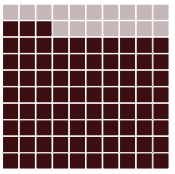
DISPROPORTIONATE IMPACT

The dark shaded areas on each county map reflect the five zip codes with the highest Black population percentages. The counties' Returning Citizens live in disproportionate numbers in those five zip codes. The charts show the percentage and numbers of Returning Citizens in those Black neighborhoods, as compared to the county as a whole.[81]

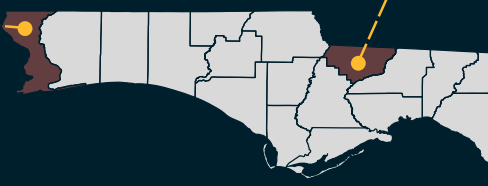
GADSDEN

502 / **608**
Returning Citizens



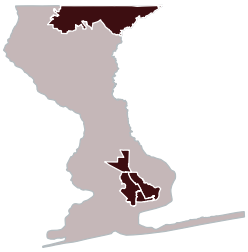


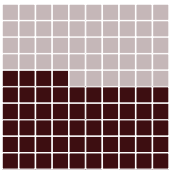
83%



ESCAMBIA

1,380 / **2,538**
Returning Citizens

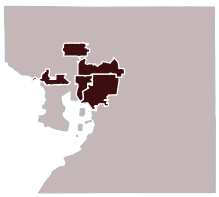


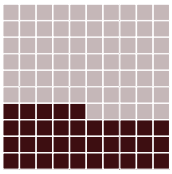


54%

HILLSBOROUGH

2,659 / **7,666**
Returning Citizens

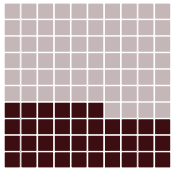




35%

PINELLAS

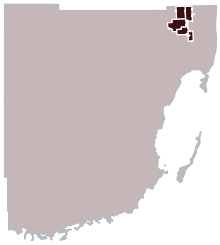
2,242 / **6,281**
Returning Citizens

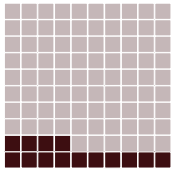


36%

MIAMI-DADE

1,088 / **7,718**
Returning Citizens



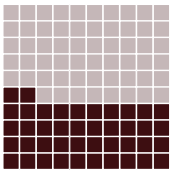


14%

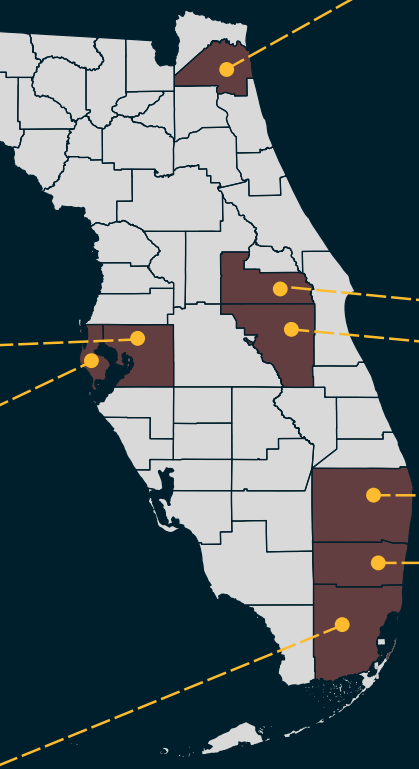
ON BLACK NEIGHBORHOODS

DUVAL

3,034 / **7,163**
Returning Citizens

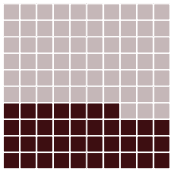


42%



ORANGE

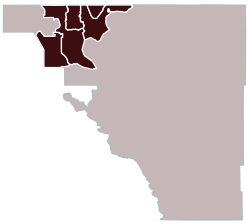
2,039 / **5,512**
Returning Citizens

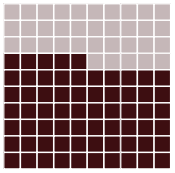


37%

OSCEOLA

831 / **1,283**
Returning Citizens

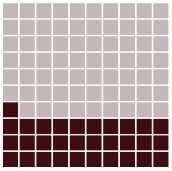




65%

BROWARD

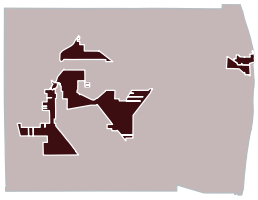
2,215 / **7,094**
Returning Citizens

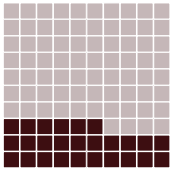


31%

PALM BEACH

1,081/ **4,219**
Returning Citizens





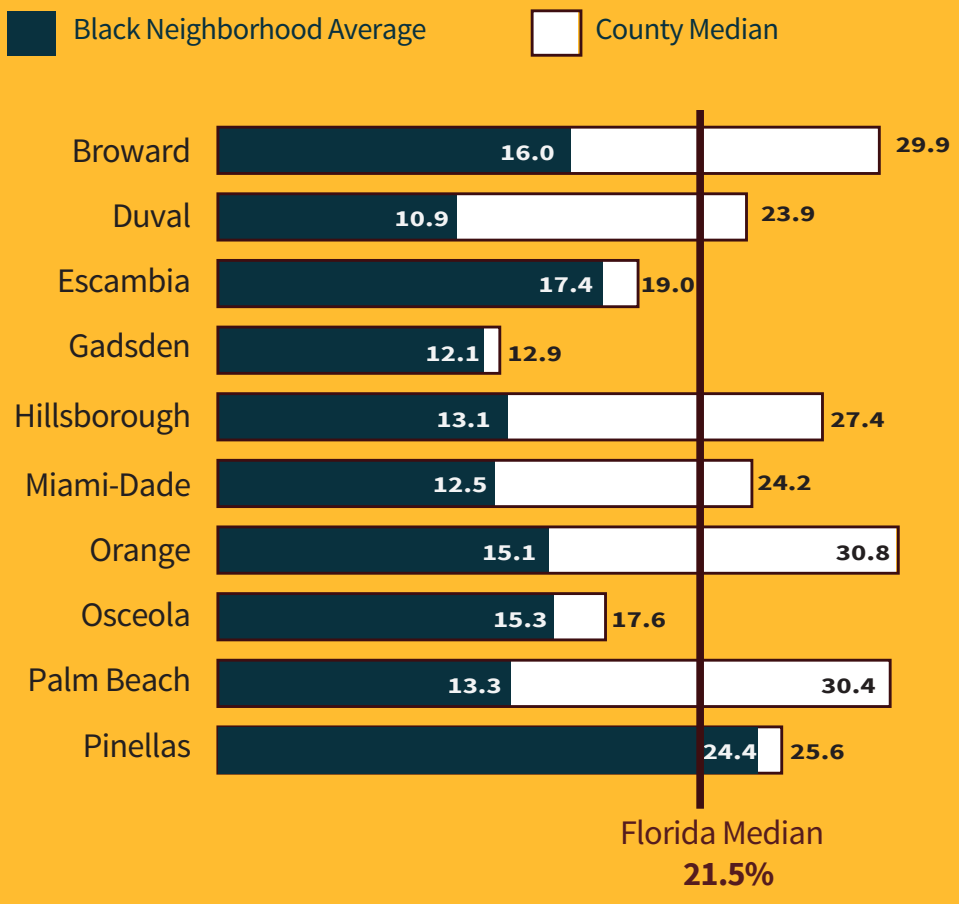
26%

BLACK NEIGHBORHOODS FACE SOCIO-ECONOMIC CHALLENGES

In the 10 counties we analyzed, Black communities with high numbers of Returning Citizens experience many socio-economic challenges. The neighborhood-level data shows mostly strong correlations between the Returning Citizen population and the socio-economic factors we examined; such correlations do not register, or register weakly, in the statewide data analysis. The data shows a pronounced relationship between numbers of returning citizens and socio-economic hardships at the county and neighborhood levels, suggesting that socio-economic conditions are affected by felony disenfranchisement, particularly in Black communities.[82]

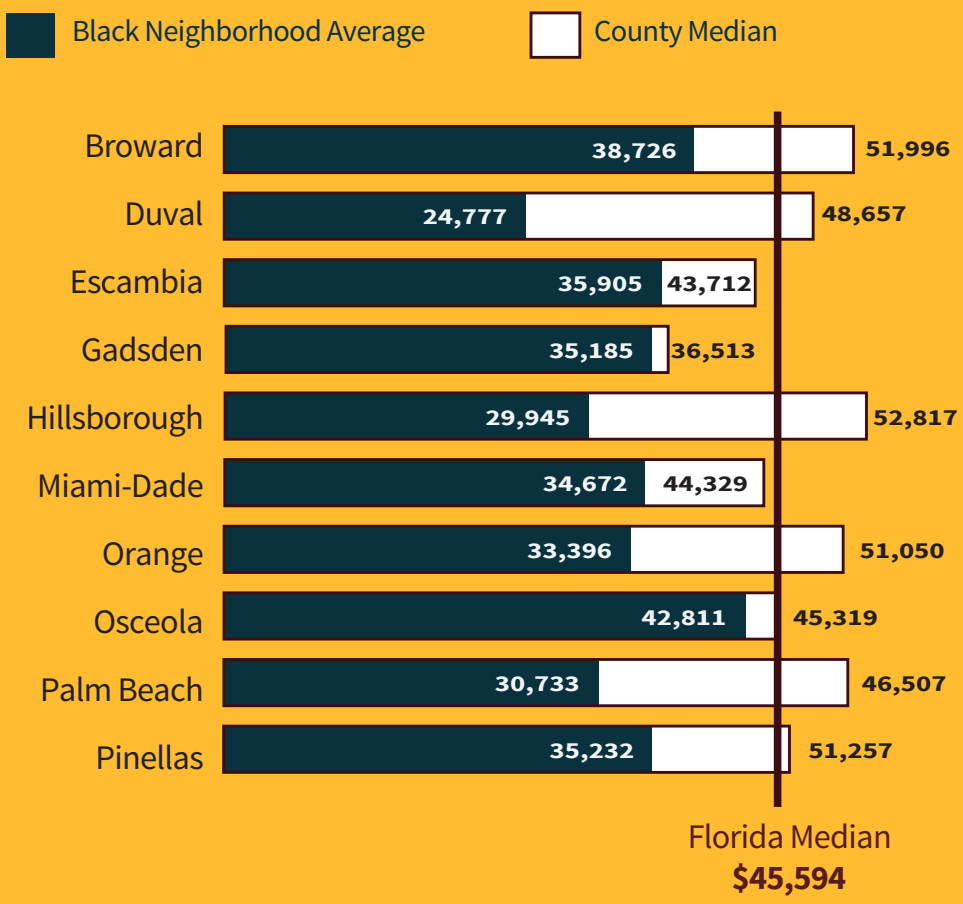
Lower Educational Attainment

Persons with a College Degree (2012, %)



Lower Median Incomes

Median Household Income (2012, $)



ABOVE: Across the counties we studied, neighborhoods (zip codes) with higher Black population rates and higher Returning Citizen numbers have lower median incomes, some by almost 50% less—tens of thousands of dollars less—than county and state medians.

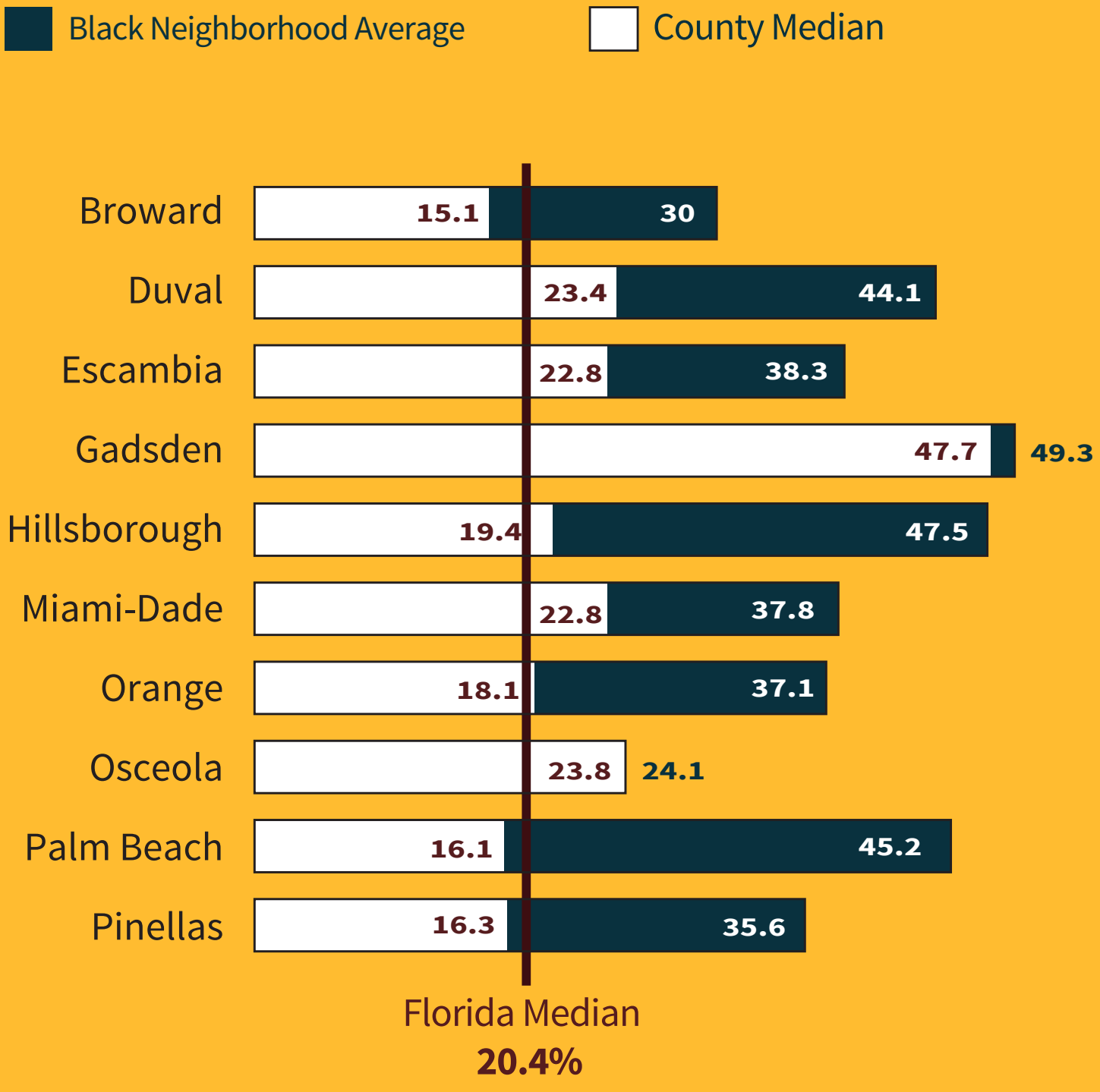
Strikingly, 18% of **Broward County**'s Returning Citizens reside within just one zip code in Fort Lauderdale. This zip code, 33311, contains Sistrunk Boulevard, the historic heart of Fort Lauderdale's Black community. Overall, in Broward County, 1 in 3 Returning Citizens returns to a Black neighborhood (5 out of 52 zip codes). Similarly, in **Palm Beach County**, 1 in 4 Returning Citizens returns to a Black neighborhood (5 out of 47 zip codes).

In **Duval County**, where median incomes in Black neighborhoods (5 out of 31 zip codes) are barely half the county median, over 42% of Returning Citizens live in a Black neighborhood.[83]

LEFT: We measured educational attainment by the percentage of adults who have obtained a college degree. In these counties, neighborhoods with higher Black population percentages and higher numbers of Returning Citizens reflect educational attainment levels below the county and state medians.

Higher Child Poverty Rates

Child Poverty Rate (2012, %)



Children in Florida's Black communities experience alarming poverty rates above the state median and mostly above the county medians as well.

In two of **Escambia County**'s Black neighborhoods, both in the Pensacola area, the child poverty rates are more than double the county and state medians: in zip code 32501, the child poverty rate is 52.1%; in zip code 32505, the child poverty rate is 47.2%. About half the children in these majority Black neighborhoods live in poverty. The five zip codes with the highest Black population percentages account for 54.4% of the Returning Citizens in the entire county.

Gadsden County is a majority Black community; the Black population comprises 57.5% of the county. The median child poverty rate in the whole county is 47.7%, more than double the state median, suggesting a pronounced child poverty problem in the county. Two of the zip codes with highest Black population rates have child poverty rates almost three times the state median.

Child poverty in **Hillsborough County**'s highest Black population zip codes are a shocking 20-40 percentage points higher than the county and state median poverty rates. In these Black neighborhoods, in 5 of the county's 48 zip codes, where 38.1% of the county's total Returning Citizen population lives, the average child poverty rate is 47.5%, over twice these rates of the county (19.4%) and state (20.4%). Virtually every other child lives in poverty.

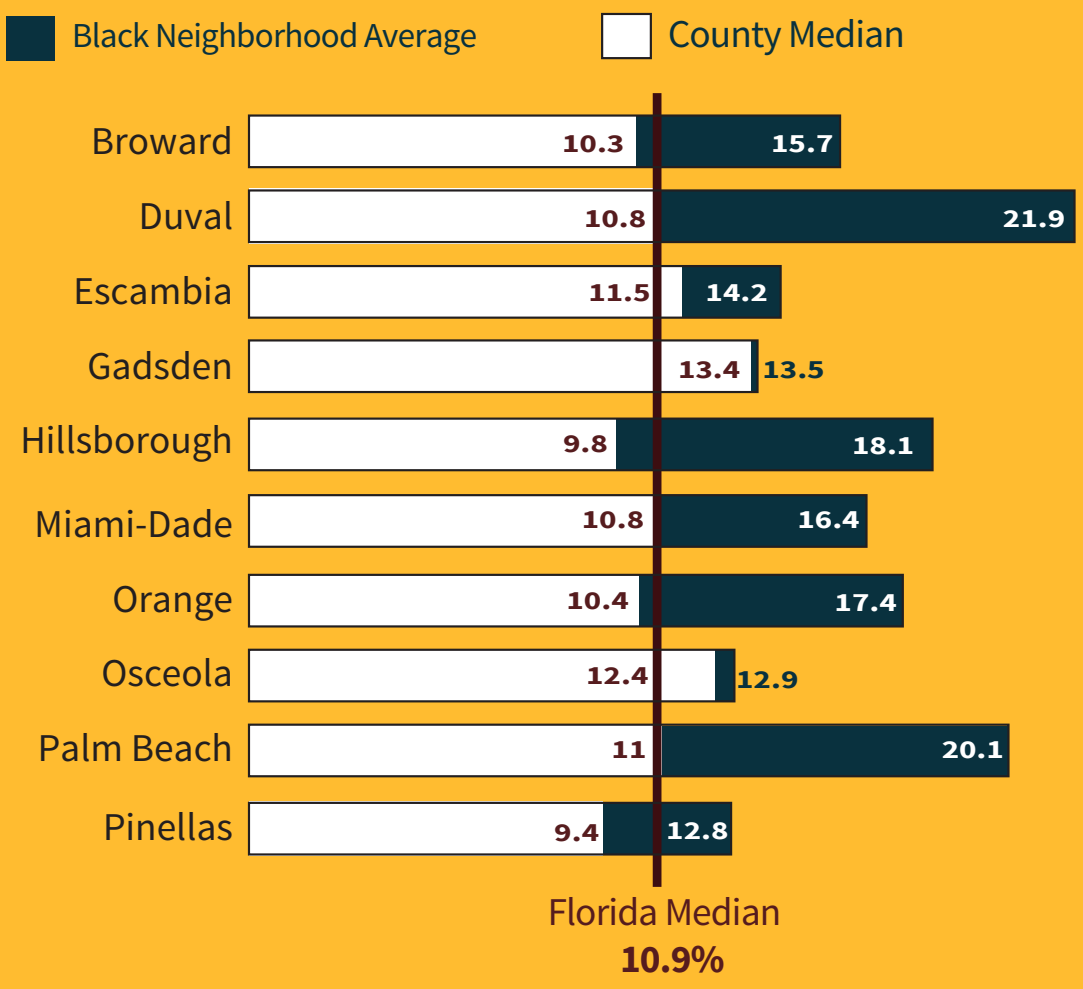
In **Orange County**, Black neighborhoods experience an average 37.1% child poverty rate, more than double that of the county median. That 4 in 10 children in these neighborhoods are living in poverty in a county with a $9.1 billion tourism industry is appalling.*

The average child poverty rate of 45.2% in **Palm Beach County**'s Black neighborhoods is almost three times higher than the county median and 25 percentage points higher than the statewide median. In every one of the highest Black population zip codes, the child poverty rate is at least 50% higher, and in two instances, the figures are doubled or nearly doubled. These neighborhoods contain 25.4% (1 in 4) of the county's Returning Citizens.

* Orange County Register Editorial Board, Editorial, *Does Disney pay its fair share? Yes*, Orange County Reg., Oct. 14, 2017, *https://www.ocregister.com/2017/10/14/does-disney-pay-its-fair-share-yes/.*

Higher Unemployment Rates

Unemployment Rate (2012, %)

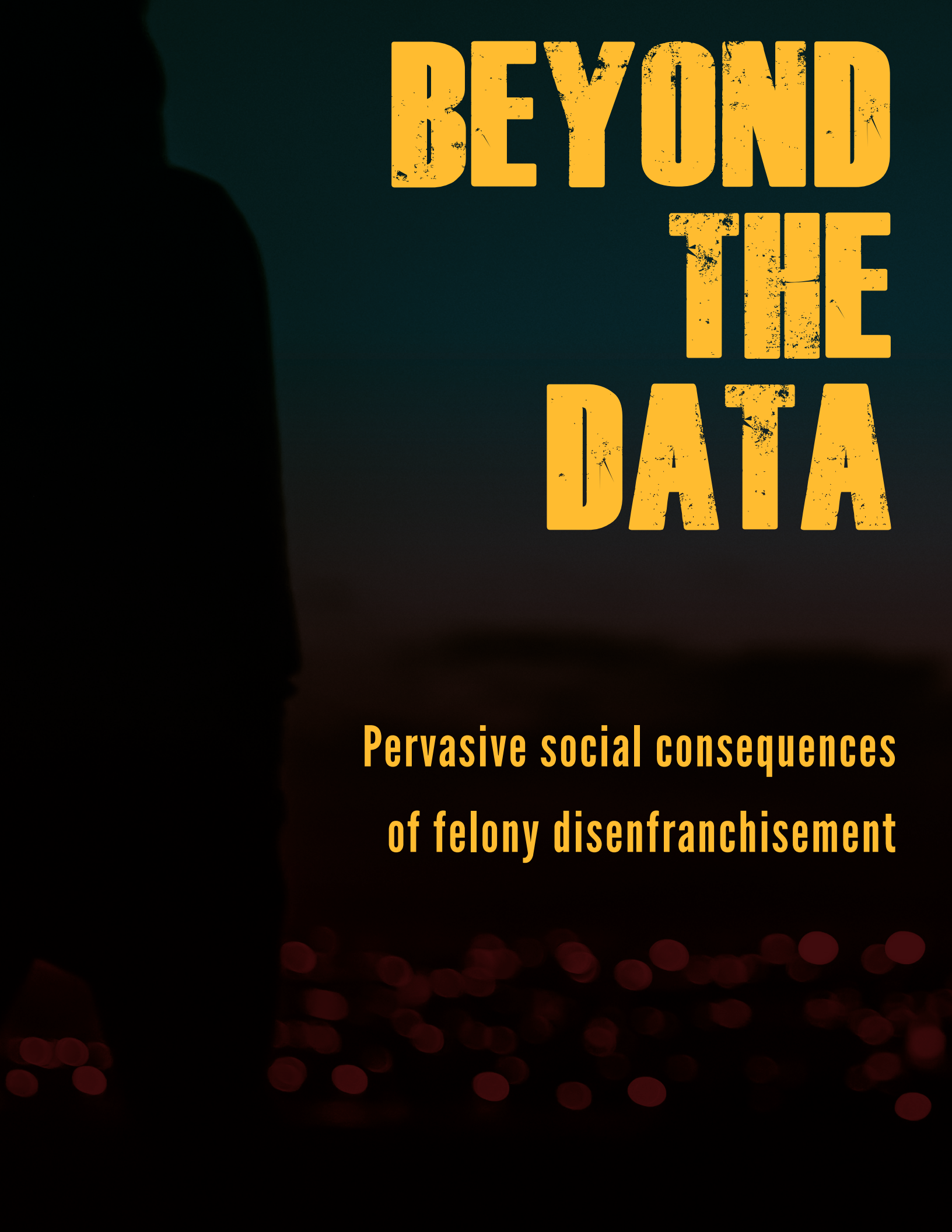


"It was very difficult to find a job that was stable because of my felony conviction."

Judith Boyer, Returning Citizen

The statistics here match this common experience among Returning Citizens.[84] In every one of these Black neighborhoods, the unemployment rate exceeds both the state and county medians, showing that Black communities are left out of state and county economic development progress and opportunities.

Our data shows that there are correlative relationships among Returning Citizen populations (and thus, their disenfranchisement), Black population percentages, and socio-economic indicators. The upshot? **Felony disenfranchisement is not an isolated phenomenon, but rather one threaded significantly together with compounding social inequities in Black communities.** For Returning Citizens and their families, the data means that disenfranchisement is only one immediate and reverberating consequence of felony conviction. Our analysis shows that losing the right to vote is linked to socio-economic conditions and the lived experiences of the communities where Returning Citizens live. Felony disenfranchisement converges with low income, poverty, limited education and employment opportunities to disempower entire communities.



BEYOND THE DATA

Pervasive social consequences of felony disenfranchisement

The co-existence of the aforementioned socio-economic disadvantages with high levels of disenfranchisement of Returning Citizens in Black communities can also have wider ramifications, although the precise causes and consequences of these social conditions are not easily determined. The inability of disenfranchised communities to participate meaningfully in our democracy limits their power to overcome patterns of inequity and systemic injustice. When large numbers of community members are not permitted to vote, entire constituencies may go unrepresented in the democratic institutions that govern them.

Routinely, thousands of local elected officials make decisions of great consequence in the daily lives of residents throughout Florida. This research does not presume that Returning Citizens care inordinately or at all about elections of particular school board members, sheriffs, state attorneys, public defenders, judges, or in general. It is obvious, however, that these elected officials and the institutions they lead, have significant influence over real-world issues of common concern to many Black communities in Florida. Below we examine spheres—schools and law enforcement—in which the consequences of disenfranchisement may be manifested in practical ways.

LOCAL SCHOOL BOARDS

Local school boards hold the power to shape the quality of public education in each community, which can have wide-ranging consequences for students beyond their experiences in school.[85] Ideally, school boards provide access for parents, students, and taxpayers to have a voice in education policy issues. These include, but are not limited to, funding allocations, curricular content, teacher selection, and school discipline.[86] Many Returning Citizens have children and are invested in education policies for youth in their communities. Pending full implementation of Amendment 4, their inability to participate in choosing school board members denies them opportunities to influence these elected institutions. As long as entire neighborhoods are stripped of a voice in electing school board members, the educational system may not represent the best interests of Returning Citizens, their children or families.

WHEN THE PEOPLE DON'T DECIDE: PINELLAS SCHOOLS FAIL BLACK STUDENTS

In 2007, the Pinellas County School Board approved a "neighborhood schools" plan denounced by some as "de-facto segregation."[87] The plan, meant to keep children close to their homes, resulted in segregation such that children in White neighborhoods attended schools where a majority of the population was White, and Black children residing in Black neighborhoods attended majority Black schools. This de facto segregation, combined with other school board decisions, contributed to a decline in educational outcomes for Black students.[88] Five elementary schools in the district—Campbell Park, Fairmount Park, Lakewood, Maximo, and Melrose—produced failing student standardized test scores; eight in 10 students failed reading and nine in 10 failed math.[89] These five schools are all located in Black neighborhoods—the three zip codes with highest Black population percentages.[90] The state Department of Education also ranked Melrose as the worst school in Florida, Fairmount Park as the second worst, Maximo as the 10th worst, Lakewood as the 12th worst, and Campbell Park as the 15th worst.[91] Pinellas schools are still struggling.[92] Three of the five board members who voted for the plan were still on the board in 2016.[93] Would the election of different school board members have made a difference? Would a different, more representative electorate have voted to seat school board members more committed to shared values of equity and integration? It is reasonable to ask.

STATE ATTORNEYS

Policies and practices of the institutions of the criminal justice system, including local law enforcement agencies and the courts, significantly impact local communities. Black communities in Florida and nationwide are often over-policed, over-punished, over-incarcerated, and under-resourced.[94] Policing practices, prosecutorial approaches, the effectiveness of legal public defense, and even the nature and orientation of the courts, all influence the everyday experiences of safety, security, and well-being in local neighborhoods.[95]

Elected state attorneys manage resources, set standards and priorities for criminal investigation and prosecution, and influence the culture of local prosecutors' offices. Along with local sheriffs who direct the actions of local police officers in their day-to-day interactions with community members, state attorneys play a major role in determining the execution of law enforcement efforts. Guidance from elected sheriffs and state attorneys influences who gets arrested, charged, and prosecuted; whether and what charges are brought for sometimes minor offenses; whether young people will be charged as adults; who is incarcerated and for how long; how harsh sentences will be; and who is given the death penalty or life without parole. Finally, many Returning Citizens will be able to vote to elect these decision-makers who determine how the criminal justice system is implemented—a system that powerfully impacts their lives and communities.

WHEN THE PEOPLE DECIDE: ELECTED DUVAL COUNTY STATE ATTORNEY SANCTIONS REFORM

Jacksonville/Duval County elected a new state attorney in the Fourth Circuit Court in 2016 who was swept in by a promise of reform and widespread community dissatisfaction with the incumbent.[96] In her first year in office, the new state attorney has taken steps to drop charges in cases of unreasonable prosecutions, increased police use of civil citations for young people, set new processes before trying children as adults and set new approvals prior to prosecutors seeking the death penalty.[97] She has increased the use of treatment courts for those with drug charges in order to divert people from criminal courts and harsher consequences and has reviewed cash bond and pre-trial detention practices and their impact on low-income arrestees.[98] She also established Florida's first-ever conviction integrity review unit to investigate potential wrongful convictions.[99] The election of this, or any single, state attorney is by no means a panacea for communities dealing with epidemic over-policing, over-incarceration and over-punishment. But Duval County provides a window to reforms that are possible with a change in leadership that is within the power of the electorate to realize. Criminal justice reform would likely seem more within reach for Black communities if its reform-minded electorate could participate meaningfully in selecting its law enforcement officials.[100]

RETURNING HOME

Judith Boyer, a resident of Orlando, is the mother of a 13-year-old daughter. Judith, 32, served a mandatory-minimum sentence of five years in federal prison in Tallahassee for a 2010 drug conviction. During this time, she missed all the little things in her daughter's life, such as attending parent-teacher meetings, taking her daughter to the doctor and birthdays. The separation was hard for both of them, but the greatest loss was suffered by Judith's daughter, who from age 6 to 11 was separated from her mother. During her time away, Judith was also unable to be present when her father was dealing with cancer. She worried constantly while she was incarcerated and became depressed and suicidal.

Judith completed her sentence and was released in December 2015. The five-year gap in family relationships caused difficulty and disconnect: "It seems as though my family advanced in those years while my life stood still," she said. "When I returned home, I was welcomed happily by my family and daughter. I am grateful for their forgiveness and acceptance and the good care my daughter received. I could never repay my family for all they did." Judith is rebuilding her relationships with her family and friends. She is learning about herself and healing with professional mental health support.

"Today my relationship with my daughter is strong. I share what I went through with her so that she does not get caught in those traps. We talk a great deal about her life and her dreams. She is now a bubbly girl, who does well in school and plays the flute." Judith is currently enrolled at Valencia Community College doing paralegal and pre-law studies with a minor in counseling. Despite her success and recovery since her incarceration, and her place as a role model for her daughter, Judith was unable to vote until the passage of Amendment 4.

Political Costs of Returning Citizens' Disenfranchisement

The addition to the voter rolls of 1.68 million voters who were disenfranchised in Florida could create a political sea change. This potential impact is exponentially greater when considering over 6.1 million now disenfranchised voters nationwide. Beyond the national implications of an increased and diversified electorate, the reversal of felony disenfranchisement could have significant state and local effects.[101] While there is no certainty that election outcomes would be different,[102] these excluded voters must be considered along with other voter turn-out factors as possible influences on the outcomes. Felony disenfranchisement is an overbroad and unacceptable exclusion of large segments of the community from voting and having a say in many important political decisions of their lives.

Individual races, cumulatively, determine the composition and racial make-up of Florida's local leadership and political base. The outcomes of individual races have far-reaching influence in the statehouse and other political networks. They cover countywide offices ranging from Court Clerk to County Commissioners, County Executives, Sheriff, State Attorney, School Board, lesser-known elected offices, like resource management officials of the Soil and Water Commission and even various referenda. Ultimately, extensive disenfranchisement impacts races across the state and results in the election of candidates or decisions that do not fully reflect the will of *all* the people.

Notably, many of these races are district court races that determine the composition of the state judiciary, which has powerful effects on the criminal justice system in the community, particularly Black neighborhoods. For instance, the county and circuit courts make up Florida's system of trial courts that hear civil and criminal matters of all kinds and types of disputes.[103] The administration of justice depends in large measure on how these elected local judges interpret and apply the law. In criminal cases, matters of charges, convictions and sentencing rely on judges' discretion and decisions related to procedure in their courtrooms.

Amid concerns about racial bias in the Florida justice system, research shows that of over 900 Florida county and circuit court judges, just 7% are Black.[104] Black communities and Returning Citizens are not adequately represented in these institutions,[105] nor are they able to vote to choose their representation. Equal justice under law requires full participation in the election of judges.

The indirect impacts of felony disenfranchisement may be difficult to calculate. The exclusion of hundreds of thousands of voters across all counties alters the political landscape. Florida's democracy, from the lowest levels to the highest, was distorted because of the inability of Returning Citizens to vote. This makes a difference in the very communities where their voices and input are most needed. These communities had no fair say in the laws made to govern their lives and cannot ensure the accountability to them of their elected leaders. The democratic decision-making process was and still is tainted by sweeping, unjust exclusion.

The historic significance of Amendment 4 cannot be overstated. Denial of the vote to Returning Citizens in

numerous distinct local races can, in the aggregate, result in massive suppression of political voices across the state. Year after year, these election outcomes, without the participation of a chunk of the electorate, affect the political landscape. These impacts are further compounded over time. Local races provide entry points into statewide and national political arenas, which can lead to even more substantial influence by elected leaders on elevated and wider-reaching political platforms. The future looks brighter for increasing a more representative electorate through implementation of Amendment 4.

Candidates are elected to local offices, sometimes for the first time, and become incumbents who access a pipeline to higher political office and positions of leadership in the state power structures. The intent of this report is not to recommend strategies to change election outcomes, nor to predict how elections would be influenced by new voters. We note only that the denial of votes in local races can have broader impact, even beyond the immediate selection of a candidate to office.

CORROSIVE EFFECTS OF FELONY DISENFRANCHISEMENT

Aside from categorically wiping out the votes of Returning Citizens across all communities in Florida, felony disenfranchisement also dampened the likelihood of voting in certain communities *even among eligible voters*.[106] It affected and still affects voting by community members *who do not have felony convictions*, exacting a collateral punishment on communities to which formerly incarcerated people return upon release. "[R]emoving a large portion of the electorate" through felony disenfranchisement "lowers the overall rates of political participation" in the community.[107] Research shows that these indirect consequences are felt in Black communities and other communities of color, not in White communities.[108] For the Black population, there was a distressing correlation between state felony disenfranchisement laws, rates of disenfranchisement and Black voter registration and turn-out. This phenomenon can be explained, in part, by the diminished political power of Black communities due to the increased likelihood of disenfranchised citizens living in these communities, which are disparately affected by economic and educational inequities. Studies show that felony disenfranchisement exacerbates challenges that are already known to depress voting by the community at large, such as lower levels of educational attainment, and lower incomes.[109]

For Black communities, the peril of long-term generational impact is also disconcerting. Research shows that voting is habitual, and initial registration and turnout are major factors in the establishment of lifetime patterns of voting.[110] Parental involvement and influence, socio-economic factors, socialization and education all impact whether young people initially vote and become habitual voters; in fact, it appears these influences are more powerful before children reach voting age.[111] A community where parents are voting, sharing knowledge about voting and elections, with higher education attainment and other socio-economic stability is more likely to pass down the practice and eventual habit of voting to young people. Conversely, mass felony disenfranchisement in families and among community members removes countless numbers from the electorate in individual races. This insidious suppression of Black voter participation undermines the practice and culture of voting in Black communities thus suppressing the Black vote. The indirect or collateral consequence has led to minimal voter participation by entire Black communities in Florida.

“Going to prison and having a felony conviction affects the entire family and community. When you’re considered a leader in your family and you end up in prison, it disallows you from being there for the little things that count. When you’re not there, you have a feeling of disconnect from not being present in the lives of people who matter the most.”

Dexter Gunn, Returning Citizen


THE

LIVING RESILIENCE

Teze Jones ("Tez") is a native of Tampa, the eldest of four children. Her childhood, in a single-parent household, was scarred by her victimization by an adult family friend when she was just four years old. Her young life and adolescence were marked by trauma, pain, hyper-vigilance and an inability to trust people or find mental rest. She describes living in a constant state of terror, struggling to cope with unpleasant memories. This led to her use of crack cocaine, which quickly led to severe addiction.

During the worst of her addiction, Teze's life was out of control as she sustained her drug habit with criminal behavior. At her worst, she found herself driving a getaway car for a drug crime. She was indicted and given a five-year sentence for a non-violent, drug-related federal conviction. Her sentence separated her from her three daughters, and newborn son who at the time of her surrender to a Kentucky prison was barely two months old.

By grace, Teze by this time had experienced a divine-deliverance from her addiction. An appreciation of a God-given second chance along with self-motivation sustained her rehabilitation. She was released on December 28, 1988, after eight months, to a 90-day work release program and year-long probation. Since her release, Teze has used her experiences, her faith, and her resilience to inspire and motivate. She intentionally found ways to rebuild trust, communication and honesty while raising her children so that they would not be "left to the wind." They are now grown and continue to remain close.

Teze's is a success story, but not one without hardship. She still faces challenges in housing and employment. Her felony conviction, now over 30 years old, still limits her ability to rent in certain neighborhoods. As recently as about two years ago, a landlord turned her away because of her record. She has also been limited in her ability to find decent-paying jobs, a felony record often puts her out of consideration for many secure, stable employment opportunities.

Still, she perseveres and is thriving. Today, at 60 years of age, Teze is an author, speaker and performer, who uses her creative endeavors as a part of her ministry. "When you have peace, you have clarity and can have a meaningful life that includes helping others," she says.

The right to vote has always been important to her. Teze grew up in times when young Black children like herself had to worry about overt hostility and violence from racist White people in her neighborhood. She grew up seeing people being attacked by dogs, bleeding and even dying for demanding their civil rights, including the right to vote. She has taken great pride in voting as a commemoration of, and joining to those who stand up against discrimination.

REVERSING SYSTEMIC RACISM

AND A WEB OF DISEMPOWERMENT

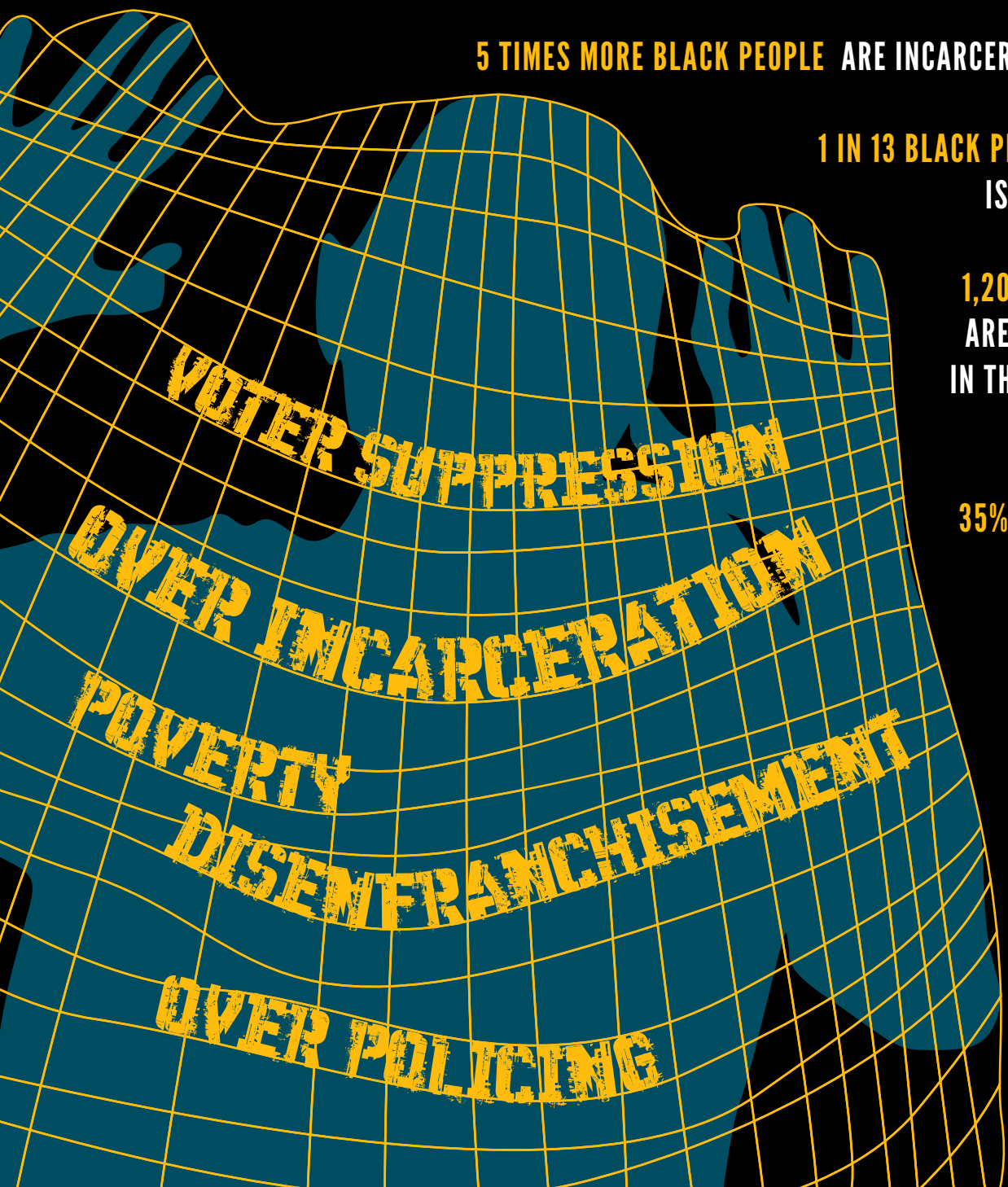
2,300,000 PEOPLE ARE INCARCERATED IN THE U.S.[I]

5 TIMES MORE BLACK PEOPLE ARE INCARCERATED THAN WHITES.[II]

1 IN 13 BLACK PEOPLE OF VOTING AGE IS DISENFRANCHISED.[III]

1,200,000 BLACK PEOPLE ARE UNDERREPRESENTED IN THEIR CITY COUNCILS.[IV]

BLACK PEOPLE EARN **35% LESS** THAN WHITES.[V]



[I] Prison Policy Initiative, https://www.prisonpolicy.org/reports/pie2018.html

[II] NAACP, https://www.naacp.org/criminal-justice-fact-sheet/

[III] The Sentencing Project, https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/

[IV] Demos, https://www.demos.org/publication/problem-african-american-underrepresentation-city-councils

[V] Pew Research Center, https://pewresearch.org/fact-tank/2018/07/12/key-findings-on-the-rise-in-income-equality-within-americas-racial-and-ethnic-groups

Even as trends in recent years suggest that many states have moved to end strict felony disenfranchisement laws, mitigating the harsh consequences of felony convictions,[112] millions are still disenfranchised and other restrictions on access to voting are still in place.[113] Thus, felony disenfranchisement is also a political tool implemented to maintain power of the status quo over underrepresented communities—a tool that impacted Florida's low-income and Black communities disproportionately. Poor people were at a disadvantage in their ability to wield political power in Florida's democracy. It is one of many hard-hitting voter suppression tactics that disproportionately impact communities of color. At the same time, as a continuing legacy of racist suppression of the Black vote, felony disenfranchisement today is best understood as one part of an interconnected system of control, with deliberate and devastating consequences for Black communities. One need only to look at the current racial make-up of Congress, state governorships, the White House staff or Supreme Court clerks to understand that the systems of racial exclusion are in full force.[114]

As widespread and comprehensive as the specific effects of felony disenfranchisement are on the electorate and on individual voters, it is a multidimensional problem. Beyond a voter suppression tactic in our electoral system, it simultaneously operates as: (1) a direct punishment and collateral consequence of our criminal justice system and mass incarceration regime; (2) a selection criterion in our system of social and economic distribution; and, (3) a gatekeeping mechanism for our democratic institutions. Further, it is interlaced within an entrenched system of governance imbued with structural racism, which does not begin and end with any single, specific policy, practice, law or institution. We live in a web of aggressive disempowerment: a collection of interwoven institutional mechanisms that function together—if not intentionally, then negligently—to maintain a system of racial injustice, which seeks to marginalize communities of color.

Felony disenfranchisement and voter suppression are connected to systemic socio-economic privation, inhumane immigration policies, an under resourced public education system, neoliberal economic policies and privatization, over-policing and mass incarceration and many other systemic injustices that overburden people of color. Thus, ending felony disenfranchisement is not a cure-all for all the inequities facing communities of color. But, it is an essential step in creating a fair democracy in which all people can fully participate in efforts to create political and social change in our society—by voting, as a start. Further, confronting felony disenfranchisement is an important challenge to just one longstanding manifestation of institutional racial inequity in the U.S. It is a challenge that can open our democracy in a fundamental way to historically disenfranchised individuals and communities. Beyond the practical impact on our electorate and elections, rejecting felony disenfranchisement could have powerful ripple effects. Perhaps this confrontation could clear the way for a new discourse on race, democracy and community empowerment. This discourse could challenge the notions that all communities of color are criminals and that only certain people are deserving of citizenship. In their wake, we could look forward to a democracy in which all voices are included without the historical exclusion of millions.

ESCAPING THE WEB

Dexter Gunn is a 50-year-old African American man whose family is from Alabama and Florida. Dexter grew up in Broward Gardens, the "BGs" in Fort Lauderdale, not far from the historic African-American Sistrunk Boulevard area, a thriving Black neighborhood rich with small businesses, barber shops, restaurants, beauty salons, clubs and churches. He was raised by his mother, who was 15 when he was born and came from a large family. His father was young and was not present in his life for many years. He has two sisters, Sabrina, a teacher and Nia, a 1st Class Sergeant in the United States Military.

He enjoyed school. He was among the first group of students in Broward County to be bused to a White school during the first year of integration. In middle school, he

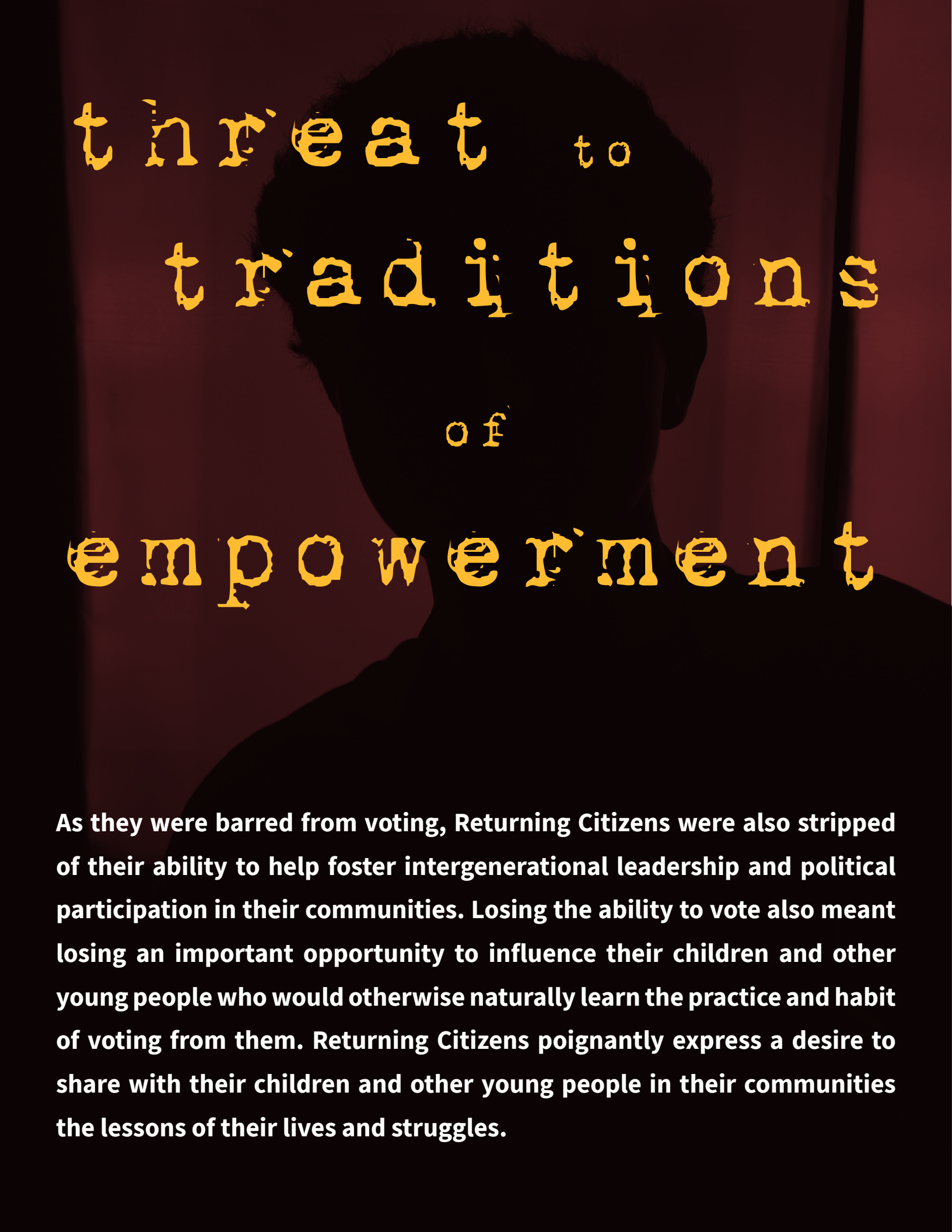
made friends he still has to this day. In high school he started hanging with the "cool kids," some of whom were involved in delinquent behaviors, during a time when the crack epidemic was taking hold in the early 1980s. Still, he maintained good grades and even went to summer school to advance his schooling. Things changed in his later years in high school when the crack epidemic was in full swing, and Dexter succumbed to the temptation and pressures of the drug-dealing culture.

At 17, he was arrested for the first time and charged and convicted as an adult for robbery. He served approximately two years in prison. He returned home to a strained family life and poor employment prospects. He served another 10 months incarceration for a minor traffic violation within that first year of his release. When he was 22, he was arrested again on numerous charges. Due to his prior convictions and the severity of the charges, he was convicted and incarcerated in 1990 with sentences totaling 70 years.

Dexter was released on February 25, 2011. He had served 20 years. He says, "When I came home, I had nothing, and I felt as though I had lost everything. I lost seven family members, my mother, my grandmother, my father, my stepfather, two aunts and my best friend who was like a brother to me. All were gone. They were my support system while I was locked away. When I came home I did not have a release address and stayed with a friend who I was in prison with until eventually I was able to rent a house with the support of my remaining family."

In prison, Dexter educated himself in the prison law library. He became a certified law clerk and later a senior law clerk, providing monthly legal seminars for other people who are incarcerated. After his release, he used his legal training to obtain employment with a law firm for two years before he started his own paralegal business. He now does contract work specializing in criminal appeals and post-conviction research. In 2015, Dexter started a nonprofit for at risk juveniles, called SOARES RESET and earned a 501(c)(3) nonprofit status. In 2017, he received a $10,000 grant from the Broward Sheriff's Office to help youth and to divert them away from the criminal justice system.

"It is important for the Black community that we get our voting rights back so we can use our voices to recapture our neighborhoods," Dexter said. "So many Black men lost the vote because of the war on drugs and the crack cocaine epidemic, minor non-violent drug offenses and residual effects. Restoring our voting rights will give us a voice again to make our communities safer and better."



threat to traditions of empowerment

As they were barred from voting, Returning Citizens were also stripped of their ability to help foster intergenerational leadership and political participation in their communities. Losing the ability to vote also meant losing an important opportunity to influence their children and other young people who would otherwise naturally learn the practice and habit of voting from them. Returning Citizens poignantly express a desire to share with their children and other young people in their communities the lessons of their lives and struggles.

JUDITH says, “Today, my relationship with my daughter is strong. I share what I went through with her so that she does not get caught in those traps. We talk a great deal about her life and her dreams. She is now a bubbly girl, who does well in school and plays the flute.”

TEZE says, “The shadow of those who came before me is in my heart, so I insist on going to the polls and voting in person,” she says. In her view, no one should ever lose the right to vote—especially in light of the historical significance of the right to vote for the Black community. She is close with her children and shares her life story through a prison ministry program where she supports recovery and fosters resilience in others. Teze says, “Life is a succession of choices, so make right ones!”

JB aspires to be a positive role model for Black and Latinx young men and boys. He wants to offer his life-lessons to all young men who face similar challenges. He shares his life as a good example to help keep people out of the system and to help them better their lives. He also wants to advocate for justice system reform and for people like himself who have paid their debt to society but still face discrimination as they try to earn a living, support and house themselves and their families, and most importantly exercise their political voice.

DEXTER now shares his story to help others avoid some of what he went through. Dexter’s ultimate goal is to have an organization for at-risk children that have been tried as adults: “I want to teach those kids how to tap into a gift they may possess. Now, we are grandfathers, fathers, businessmen—we grew from our experiences and we want to teach our grandchildren.”

ANTHONY said ahead of the 2018 midterm elections, “So, it’s painful. Especially election times. It is the wound that refuses to heal. They say they want you to be a productive citizen [after release from prison], but they deny you the right to be productive, to vote. [But] there is a still a degree of democracy here. I make sure my children and my wife vote and are making a difference. One voice can make a difference. I tell everyone I can: ‘VOTE. Do what you can. Be the difference.’” With the passage of Amendment 4, Anthony and others can begin the healing process.

RECOMMENDED

Numerous incremental and systemic changes are required to address the unjust impacts and collateral consequences of felony disenfranchisement and other institutionalized challenges that disproportionately harm Black communities. We recommend a few important steps:

1. **IMMEDIATELY AND FULLY IMPLEMENT AMENDMENT 4 TO THE FLORIDA CONSTITUTION**

   Florida should fulfill the will of voters by executing Amendment 4 that grants automatic restoration of voting rights to eligible Returning Citizens.

   Felony disenfranchisement is a relic of the Jim Crow South and its rejection as a form of punishment is past due.

2. **REFORM FLORIDA'S CLEMENCY BOARD AND RULES**

   End Florida's current arbitrary rights restoration processes.

   Florida's Rules of Clemency are unfair as written and as implemented and should be revised.

3. **INVEST IN RE-ENTRY OF RETURNING CITIZENS AND REMOVE ROADBLOCKS TO SUSTAINABLE LIVELIHOODS**

   Eliminate barriers to re-entry for those released from prison by funding and improving access to resources for Returning Citizens, including employment and fair housing opportunities.

   Returning Citizens must have ample support and access to health, housing, employment and other resources to facilitate their re-entry.

JUSTICE FOR FLORIDA'S

MEASURES

4. REDUCE HARSH SENTENCING

Reform Sentencing Guidelines, including limitations on juvenile prosecutions and expansion of alternative sentencing options for drug offenses.

Criminal justice system reforms should include reduced charges and reduced sentencing for non-violent offenders to mitigate harsh penalties and collateral consequences.

5. SUPPORT CIVIC ENGAGEMENT EFFORTS IN DISENFRANCHISED AND UNDERREPRESENTED COMMUNITIES

Invest in civic engagement programs in Black communities and for Returning Citizens and their families to reverse generations of disenfranchisement.

Well-resourced community engagement programs and voter registration efforts build a strong foundation for people to succeed and for expanded civic participation among all members of the community.

6. DIVERSIFY DATA COLLECTION

Require collection of Returning Citizen data that disaggregates information on racial and ethnic identities, non-binary gender identities and sexual orientation.

Accurate data is necessary to improve our understanding of the challenges facing the entire community and to develop appropriate policy solutions.

7. ESTABLISH A FUNDAMENTAL RIGHT TO VOTE BY CONSTITUTIONAL AMENDMENT[115]

Enshrine an affirmative and fundamental right to vote in the federal and state constitutions.

The federal Constitution and each state Constitution should contain explicit, affirmative provisions for the right to vote for all and the means to enforce that right.

BLACK COMMUNITIES

CONCLUSION

Impacted people and their allies united to reverse the long, wrong, far-reaching consequences of Florida's felony disenfranchisement of Returning Citizens, which disproportionately affected poor communities of all races and Black communities. The previous, pernicious impacts of the Florida's felony disenfranchisement framework were felt on top of existing socio-economic challenges resulting in further exclusion of sometimes already beleaguered communities.

Among the most harmful long-term consequences of former Florida policies was the whittling away of Black communities' ability to influence decision-making at all levels of government. The disappearance of millions of Returning Citizens' votes, including hundreds of thousands of Black votes in Black communities across hundreds of elections over many decades, prevented Black participation in the institutions where weighty decisions and policies are made. Millions of poor White, Latinx and other voters were similarly excluded year after year. Felony disenfranchisement perpetuated a false and non-representative political system, one in which millions of would-be voters simply did not count. For these millions of voters—both those directly denied the right to vote and those in communities where their political power is muted—democracy had disappeared.

However, there is a new day in Florida. Led by impacted Returning Citizens, many of whom could not vote, voters did what their elected representatives did not do. They strongly supported a self-executing ballot initiative that creates new opportunities for Returning Citizens to have a meaningful voice in deciding who gets what, where, when, and how in Florida. Democracy has appeared in the Sunshine State. This is a vital change for good that will help to eliminate other socio-economic challenges that afflict communities of color.

epilogue

In a historic mid-term election in 2018, Florida residents voted in favor of state constitutional Amendment 4, which automatically restores voting rights to 1.6 million people with prior felony convictions. The ballot initiative received support from over 60 percent of Florida voters—the needed amount to amend the state's constitution. After 150 years of disenfranchising Floridians with past felony convictions, it is only fair that Returning Citizens now have a say in how their schools, cities, states and country are governed.

The work now becomes moving those previously disenfranchised onto the voting rolls through voter education, voter engagement and voter registration. Advancement Project's national office will continue to work with partners in Florida around the implementation of Amendment 4.

Democracy is rising in the Sunshine state and organizations like the Florida Rights Restoration Coalition (FRRC), the New Florida Majority, SEIU, and Dream Defenders will continue their advocacy efforts to create a more inclusive democracy for all Floridians and dismantle the web of disempowerment for communities of color.

NOTES

1. U.S. CONST. amend. XV, § 1. Note that this right to vote applied to males only. Women, including former slave women, were not given the right to vote until the passage of the Nineteenth Amendment in 1920 (U.S. CONST. amend. XIX).

2. However, the Supreme Court jurisprudence recognizes a right to vote. See *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886) (recognizing "the political franchise of voting" as a "fundamental right, because preservative of all rights"). *See also Harper v. Va. State Bd. of Elections*, 383 U.S. 663, 670 (1966) (including the right to vote among the "fundamental" rights protected under the Equal Protection clause); *Reynolds v. Sims*, 377 U.S. 533, 555 (1964) (referring to the right to vote as "the essence of democracy").

3. *See e.g.*, ERIKA WOOD, RESTORING THE RIGHT TO VOTE (Brennan Center for Justice 2nd ed. 2009); CHRISTOPHER UGGEN, RYAN LARSON & SARAH SHANNON, 6 MILLION LOST VOTERS: STATE-LEVEL ESTIMATES OF FELONY DISENFRANCHISEMENT (The Sentencing Project 2016), available at *https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/#II.%20Disenfranchisement%20in%202016*.

4. People of color is defined as the combination of the Black population and the Hispanic population in available datasets.

5. Florida contains approximately 1,435 zip codes.

6. We analyzed the following U.S. Census data: (1) total population; (2) Black or African-American (non-Hispanic) population; (3) Hispanic or Latino origin population; (4) unemployment rates; (5) child poverty rates; (6) median household income; and (7) higher educational attainment. Four other variables were created using this dataset—(1) people of color population; (2) Black population percentage; (3) Latinx population percentage; and (4) people of color population percentage.

7. ZCTAs are geographical representations of zip codes. Only 893 ZCTAs were available in the U.S. Census database: (1) zip codes with small populations are not included; and (2) privately owned zip codes are not included. A combination of the ZCTAs with releasee data resulted in the identification of 845 zip codes for our study. ZCTAs showing no Returning Citizens are omitted.

8. The following characteristics were pulled from FDOC OBIS: (1) stated returning zip code of releasee; (2) race of releasee; (3) release date of releasee; (4) reason for release of releasee; and (5) date of birth of releasee. The term "releasee" refers to released individuals and is used in the original data set.

9. We performed Kendall correlations on the merged datasets, employing Kendall's tau, due to the non-normal nature of the data distribution of each of our variables. We assessed the correlation between the numbers of Returning Citizens and the following socio-economic variables: Black population percentage, median household income, child poverty rates, unemployment rates and higher educational attainment. We performed these same correlations by race within the Returning Citizen population (i.e. Black Returning Citizens and White Returning Citizens).

10. The population of individuals under community supervision in Florida was 218,600. DANIELLE KAEBLE, BULLETIN: PROBATION AND PAROLE IN THE UNITED STATES, 2016, at 11 (U.S. Department of Justice, Bureau of Justice Statistics 2018), available at *https://www.bjs.gov/content/pub/pdf/ppus16.pdf*.

11. Under the current Rules of Clemency, individuals with felony convictions are not eligible to apply for restoration of rights until they have completed their sentences, *including* any required period of supervision. FLA. DEP'T OF CORRECTIONS, *Restoration of Civil Rights*, *available at http://www.dc.state.fl.us/restoration.html*; Voting Restoration Amendment; *http://dos.elections.myflorida.com/initiatives/initdetail.asp?account=64388&seqnum=1*.

12. *https://www.vote-nola.org/; https://www.vote-nola.org/blog.*

13. The data provides supervision termination dates, but tracking compliance requires individualized review of records to determine if these termination dates reflect actual completion of the required supervision.

14. The majority (51%) of those disenfranchised nationwide due to a felony conviction have completed their sentences, while 26% are under supervision, either parole or probation, and 22% are in prison. UGGEN, LARSON & SHANNON, *supra* note 3.

15. Note that our dataset also does not include individuals convicted of felonies who may never have been incarcerated; e.g., individuals who were sentenced only to probation or other community supervision. If those on parole or probation were included, numbers of disenfranchised likely could be estimated at higher levels than the numbers reflected here. All individuals with felony convictions are included as a part of FRRC's constituencies.

16. For an analysis of recidivism and Returning Citizens, *see e.g.*, MATTHEW R. DUROSE, ALEXIA D. COOPER & HOWARD N. SNYDER, RECIDIVISM OF PRISONERS RELEASED IN 30 STATES IN 2005: PATTERNS FROM 2005 TO 2010 (U.S. Department of Justice, Bureau of Justice Statistics, 2014).

17. Our dataset from the Florida Department of Corrections reflects released inmates and does not include those with felony convictions who may never have been incarcerated, or those under supervision.

18. For the purposes of this study and to maintain a cautious approach, we derived an estimate of disenfranchised Returning Citizens from a cumulative total of persons released with felony convictions by the Florida Department of Corrections from the period 2012-2016. This 5-year total is likely a severe underestimate of actual disenfranchised voters, as it does not include the many people who have completed their sentences in the years, or decades, prior to this period. The number of disenfranchised Returning Citizens is likely much higher than our estimates.

19. The National Prisoner Statistics program, which estimates number of prisoners in custody of state departments of corrections, reports that in the male prisoner population, 39.0% are White, 41.3% Black, 16.6% Hispanic, 1.4% American Indian or Alaska Native, 0.6% Asian, the remaining percentage are Native Hawaiian or Other Pacific Islander, Two or more races, Other or Unknown. E. Ann Carson, Bulletin: Prisoners in 2016 (U.S. Department of Justice Bureau of Justice Statistics 2018), available at *https://www.bjs.gov/content/pub/pdf/p16.pdf*.

20. Twenty-four percent of Florida residents are Latinx. Latinx people make up Florida's fastest growing population. Mike Schneider, *Hispanics Drive Population Growth In Florida, Census Shows*, Sun Sentinel, June 25, 2015, *http://www.sun-sentinel.com/news/nationworld/fl-ap-census-florida-20150625-story.html*. Florida's Asian population grew by 73% between 2000 and 2012. Press Release, Asian Americans Advancing Justice, Asian American Population Boom to Impact Future Elections and Economy of the South (Sept. 26, 2014), available at *https://advancingjustice-la.org/sites/default/files/20140926%20-%20MR%20-%20South%20Report.pdf*. See also Paul Jung, Gregory Cendana & William Chiang, et. al., Asian Americans & Pacific Islanders Behind Bars (Asian Americans Advancing Justice – LA, Asian Pacific American Labor Alliance, Asian Prisoner Support Committee, National Education Association, Southeast Asian Resource Action Center eds., National Education Association 2015).

21. "Hispanics are incarcerated in state and federal prisons at higher rates than non-Hispanics." American Civil Liberties Union, ACLU of Florida & Hip Hop Caucus, et. al., Democracy Imprisoned: A Review of the Prevalence and Impact of Felony Disenfranchisement Laws in the United States 2 (The Sentencing Project 2013), available at *https://www.sentencingproject.org/wp-content/uploads/2015/12/Felony-Disenfranchisement-Shadow-Report-ICCPR.pdf*.

22. *See* Angel E. Sanchez, Honors in the Major Theses: "What Impact is Felony Disenfranchisement Having on Hispanics in Florida?" (2017), available at *http://stars.library.ucf.edu/honorstheses/216* (exploring the need and challenge of accurate collection of data for Hispanics in the criminal justice system).

23. The Florida Department of Corrections dataset includes "Hispanic" as an identifier, but provides no information as to racial identity, whereas U.S. Census data differentiates between Hispanic and non-Hispanic racial identity.

24. An estimated 6,984 Non-U.S. citizen prisoners were under the jurisdiction of federal correctional authorities or the custody of state correctional authorities in Florida. Carson, *supra* note 19, at 16.

25. Kimberlé Crenshaw's theorizing on intersectionality may be useful in considering the multiple dimensional experiences of members of the diverse community of Returning Citizens. See Kimberlé Williams Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color,* 43 Stan. L. Rev. 1241 (1991), available at *https://www.racialequitytools.org/resourcefiles/mapping-margins.pdf* (noting the "need to account for multiple grounds of identity when considering how the social world is constructed," and that identity politics can "conflate or ignore intra group differences").

26. Since the publication of Advancement Project's first report about felony disenfranchisement, "Re-Enfranchisement! A Guide for Individual Restoration of Voting Rights in States that permanently disenfranchise former felons," the number of individuals who are unable to vote due to a felony conviction has grown to over 6.1 million from 3.9 million in 2001. In Florida, the number has grown from 600,000 to 1.6 million. Nkechi Taifa, Advancement Project, Re-Enfranchisement! 16, 17 (Advancement Project, 2002).

27. Erika L. Wood, Florida: An Outlier in Denying Voting Rights 13 (Brennan Center for Justice 2016), available at *https://www.brennancenter.org/sites/default/files/publications/Florida_Voting_Rights_Outlier.pdf.*

28. All data is provided in the report appendix available at *www.advancementproject.org*.

29. American Civil Liberties Union, ACLU of Florida & Hip Hop Caucus, et. al., *supra* note 21, at 2.

30. *Id*. *See also*, George Brooks, *Felon Disenfranchisement: Law, History, Policy, and Politics*, 32 Fordham Urb. L. J. 851, 853-854 (2005).

31. *Id*.

32. Carl N. Frazier, Note, *Removing the Vestiges of Discrimination: Criminal Disenfranchisement Laws and Strategies for Challenging Them*, 95, Ky. L.J. 481, 483-484 (2006/2007). *See also* Alysia Robben, Note, *A Strike at the Heart of Democracy: Why Legal Challenges to Felon Disenfranchisement Laws Should Succeed*, 10 UDC-DCSL L. Rev. 15, 19 (2007), and Daniel S. Goldman, Note, *The Modern-Day Literacy Test?: Felon Disenfranchisement and Race Discrimination*, 57 Stan. L. Rev. 611, 625-627 (2004) (providing historical context and origins of felony disenfranchisement).

33. U.S. Const. amend. XIII, § 1. Note that the language of the Thirteenth Amendment contains an explicit exception for "punishment of a crime."

34. U.S. Const. amend. XIV, § 1. Note that section 2 of the Fourteenth Amendment also has provided validation for contemporary felony disenfranchisement laws, as its text sanctions a limitation of the right to vote of those who have "participat[ed] in rebellion, or other crime." U.S. Const. amend. XIV, § 2. *See generally*, Ruth Bader Ginsburg, *Sexual Equality Under the Fourteenth and Equal Rights Amendments*, 1979 Wash. U. L.Q. 161, 162-163 (1979) (explaining that the Fourteenth Amendment conferred citizenship upon African American males but did not upend a social structure in which women, including Black women and other women of color, held a lesser citizenship status that did not carry with it the right to vote).

35. U.S. Const. amend. XV, § 1. Note that the right to vote was not automatically guaranteed to all individuals in the country. For instance, women's suffrage was deferred until 1920 with the passage of the Nineteenth Amendment; citizenship for Native Americans and Asians in the U.S. was highly contested throughout the late 1800s and early 1900s, and these groups were not granted the right to vote as citizens until 1947 and 1952, respectively. *Who Got the Right to Vote When?* Al Jazeera, *https://interactive.aljazeera.com/aje/2016/us-elections-2016-who-can-vote/index.html* (last visited May 25, 2018).

36. American Civil Liberties Union, ACLU of Florida and Hip Hop Caucus, et. al., *supra* note 21, at 2.

37. *Cotton v. Fordice*, 157 F.3d 388, 391 (5th Cir. 1998).

38. Risa L. Goluboff & Dahlia Lithwick, *A Fraudulent Case: The Ugly Parallels between Jim Crow and Modern Vote-Suppression Laws*, Slate, Oct. 20, 2011, *http://www.slate.com/articles/news_and_politics/jurisprudence/2011/10/voter_id_laws_their_proponents_should_have_to_answer_for_the_ugl.html*; Jamie Fellner & Marc Mauer, Losing the Right to Vote: The Impact of Felony Disenfranchisement Laws in the United States (Human Rights Watch & The Sentencing Project 1998).

39. Fla. Const. art. XIV, §2, 4 (1868); *Johnson v. Governor of Fla.*, 405 F.3d 1214, 1218-1222 (11th Cir. 2005).

40. Fla. Advisory Comm. to the U.S. Comm'n on Civil Rights, Ex Felon Voting Rights in Florida: Revised Rules of Executive Clemency that Automatically Restore Civil Rights to Level-1 Offenders is the Right Policy 4 (2008). *https://www.law.umaryland.edu/marshall/usccr/documents/cr12v946.pdf*.

41. *Id*. at 4-5.

42. The Confederacy included the states of Texas, Arkansas, Louisiana, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina and Virginia. National Park Service, Civil War Fact Sheet (2015), available at *https://www.nps.gov/civilwar/facts.htm*; Jean Chung, Felony Disenfranchisement: A Primer 4 (Sentencing Project 2017), available at *https://www.sentencingproject.org/wp-content/uploads/2015/08/Felony-Disenfranchisement-Primer.pdf*.

43. Uggen, Larson & Shannon, *supra* note 3, at 3.

44. American Civil Liberties Union, ACLU of Florida & Hip Hop Caucus, et. al., *supra* note 21, at 2.

45. *Id*.

46. Uggen, Larson & Shannon, *supra* note 3, at 10.

47. For example, the Voting Rights Act of 1965 is one of the monumental achievements of the mid-century Civil Rights Movement. Voting Rights Act of 1965, 79 Stat. 437 (1965).

48. The other three states that maintain lifetime disenfranchisement in their constitutions are Iowa, Kentucky and Virginia. Iowa's Constitution, article II, section 5 provides that "a person convicted of any infamous crime shall not be entitled to the privilege of an elector." Iowa Const. art. II, § 5 (ratified 2008); it further defines an infamous crime as any felony. 1994 Iowa Acts ch. 1180, § 1 (codified at Iowa Code § 39.3(8) (2013). Between 2005 and 2011, an Executive Order of the Iowa Governor automatically restored voting rights for people who completed their sentences, but the order was rescinded in 2011, and Iowa returned to its policy of permanent disenfranchisement unless the governor restores those civil rights. *See also Griffin v. Pate*, 884 N.W.2d 182 (Iowa 2016). Kentucky's Constitution permanently disenfranchises any person convicted of a felony, unless their rights are restored by executive pardon. Ky. Const. §135 (amended 1955) *http://www.lrc.state.ky.us/legresou/constitu/145.htm*. *See also*, Kira Lerner, *This Man Can't Vote Today Because Kentucky's GOP Governor Reversed a Major Voting Rights Victory*, ThinkProgress, May 17, 2016, *https://thinkprogress.org/this-man-cant-vote-today-because-kentucky-s-gop-governor-reversed-a-major-voting-rights-victory-c97ac9f0de2f/*. Virginia's Constitution, Article II, Section 1 states that: "No person who has been convicted of a felony shall be qualified to vote unless his civil rights have been restored by the Governor or other appropriate authority." (VA. Const. art. II, § 1). Virginia lawmakers have simplified and expanded rights restoration policies in recent years, successfully restoring the voting rights of over 173,000 people. Sarah Rankin, *McAuliffe Says Rights Restoration His Proudest Achievement*, Associated Press, Jan. 10, 2018, *https://apnews.com/7e13e322d5184d0d91341708805d6cd0*. *See also Howell v. McAuliffe*, Howell v. McAuliffe, 292 Va. 320 (Va. 2016); *https://restore.virginia.gov/policy-updates-and-timeline/*; *http://commonwealth.virginia.gov/media/6733/restoration-of-rights-policy-memo-82216.pdf*.

49. Wood, *supra* note 27, at 9.

50. Fla. Const. art. VI, § 4.

51. Fla. Advisory Comm. to the U.S. Comm'n on Civil Rights, Ex Felon Voting Rights in Florida: Revised Rules of Executive Clemency that Automatically Restore Civil Rights to Level-1 Offenders is the Right Policy 6 (2008). *https://www.law.umaryland.edu/marshall/usccr/documents/cr12v946.pdf*.

52. The *Eleventh Circuit* held that the 1968 revision "eliminated any taint from the allegedly discriminatory 1868 provision." *Johnson v. Governor of Fla*., 405 F.3d 1214, 1224 (11th Cir. 2005).

53. Fla. Constitution, Article IV, Section 8 (a).

54. Steve Bousquet, *This Man Was Granted a Pardon. Most Others Remain in Civil-Rights Limbo*, Miami Herald, Mar. 8, 2018, *http://www.miamiherald.com/news/politics-government/state-politics/article204201564.html*; Sun Sentinel Editorial Board, Editorial, *Gov. Rick Scott Has No Credibility on Rights Restoration*, Sun Sentinel, Feb. 13, 2018, *http://www.sun-sentinel.com/opinion/editorials/fl-op-editorial-ex-felons-rights-restoration-20180213-story.html*; Tampa Bay Times, *Editorial: Florida's chance to make it easier to restore civil rights*, Tampa Bay Times, Jan. 13, 2018.

55. Fla. R. Exec. Clemency 7, 9, *available at https://www.fcor.state.fl.us/docs/clemency/clemency_rules.pdf*.

56. Steve Bousquet, *Thousands of Florida Felons Wait Decades to Regain the Right to Vote*, Bradenton Herald, *http://www.bradenton.com/news/politics-government/state-politics/article161108543.html*. Jul. 13, 2017; Tia Mitchell, *Restoration of Rights Backlog Highlights Need for Change, CRC Committee Says*, Florida Times-Union, Nov. 1, 2017, *http://www.jacksonville.com/news/florida/2017-11-01/restoration-rights-backlog-highlights-need-change-crc-committee-says*; Letitia Stein, *Florida Ex-Felons Challenge Voting Rights Restrictions in Lawsuit*, Reuters, Mar. 31, 2017, *https://in.reuters.com/article/us-florida-election-felons/florida-ex-felons-challenge-voting-rights-restrictions-in-lawsuit-idUSKBN16K2UE*.

57. Derek Hawkins, *Florida's Ban on Ex-Felons Voting Is Unconstitutional and Biased, Federal Judge Rules*, Wash. Post, Feb. 2, 2018, *https://www.washingtonpost.com/news/morning-mix/wp/2018/02/02/floridas-ban-on-ex-felons-voting-is-unconstitutional-and-biased-federal-judge-rules/?utm_term=.0a93ce540417*.

58. Annika Hammerschlag, *New Analysis Shows Impact of Florida Felon Voter Suppression on Election*, St. Augustine Rec., Nov. 4, 2016, *http://www.staugustine.com/national-news-florida-news/2016-11-04/new-analysis-shows-impact-florida-felon-voter-suppression*.

59. Hawkins, *supra* note 57.

60. Fla. R. Exec. Clemency 7, 9, *available at https://www.fcor.state.fl.us/docs/clemency/clemency_rules.pdf*.

61. *Hand v. Scott*, No. 4:17cv128-MW/CAS 2018 U.S. Dist. LEXIS 50071 (N.D. Fla. March 27, 2018).

62. Order Directing Entry of Judgment 14-15, *Hand v. Scott*, No. 4:17cv128-MW/CAS 2018 U.S. Dist. LEXIS 50071 (N.D. Fla. March 27, 2018). The order is being appealed by the Governor and the State.

63. Renata Sago, *Florida Voters Will Soon Have the Chance to Abolish the State's Archaic, Unconstitutional Civil Rights Restoration Process*, Orlando Weekly, Feb. 7, 2018, *https://www.orlandoweekly.com/orlando/florida-voters-will-have-the-chance-in-november-to-abolish-the-states-archaic-racist-unconstitutional-civil-rights-restoration-process/Content?oid=10578131*; Ed Kilgore, *An Initiative to Give Ex-Felons Voting Rights Could Remake Florida's Politics in 2020*, New York, Jan. 23, 2018, *http://nymag.com/daily/intelligencer/2018/01/florida-ballot-initiative-could-give-ex-felons-voting-rights.html*.

64. Uggen, Larson & Shannon, *supra* note 3, at 15.

65. Our data shows that Florida's Returning Citizen population is approximately 50% White, likely including White Hispanics. Of the Florida-wide dataset of Returning Citizens we examined, 43.8% were Black and 3.5% were Latinx. Data available in report Appendix, available at *www.advancementproject.org*.

66. U.S. Census Bureau Quick Facts Florida, *https://www.census.gov/quickfacts/FL* (last visited May 22, 2018); U.S. Census Bureau Quick Facts Florida, *https://www.census.gov/quickfacts/fact/table/US/PST045216* (last visited May 22, 2018).

67. Wood, *supra* note 27, at 3.

68. Mary Ellen Klas, *Florida Leads the Nation in Disenfranchising Former Felons*, Tampa Bay Times, Aug. 12, 2016, *http://www.tampabay.com/news/politics/stateroundup/florida-leads-nation-in-disenfranchising-former-felons/2289138*.

69. Uggen, Larson & Shannon, *supra* note 3, at 3, 10; American Civil Liberties Union, ACLU of Florida & Hip Hop Caucus, et. al., *supra* note 21, at 2; Fellner & Mauer, *supra* note 38; Melanie Bowers & Robert R. Preuhs, *Collateral Consequences of a Collateral Penalty: The Negative Effect of Felon Disenfranchisement Laws on the Political Participation of Nonfelons*, 90 Soc. Sci. Q. September 2009 at 723.

70. Uggen, Larson & Shannon, *supra* note 3, at 3; Wood, *supra* note 27, at 13.

71. Wood, *supra* note 27, at 13.

72. *Id*. at 1.

73. *Id*.; Bowers & Preuhs, *supra* note 69, at 723.

74. There is no definitive way to prove that election outcomes would have changed; we merely identify here the large numbers of voters who could not cast ballots to add to the ultimate vote count, where margins of victory may have been surmountable by additional actual votes.

75. The margin of victory in Florida's Presidential vote count between Donald Trump and Hillary Clinton in 2016 was 112,911, but may not have been insuperable given that at least 14 times that number of individuals are disenfranchised in the state due to felony disenfranchisement. Fla. Dept. of State: Elections Data, available at *http://dos.myflorida.com/elections/data-statistics/elections-data/*.

76. Ari Berman, *How the 2000 Election in Florida Led to a New Wave of Voter Disenfranchisement*, The Nation, Jul. 28, 2015, *https://www.thenation.com/article/how-the-2000-election-in-florida-led-to-a-new-wave-of-voter-disenfranchisement/*.

77. Abby Goodnough, *Disenfranchised Florida Felons Struggle to Regain Their Rights*, N.Y. Times Mar. 28, 2004, *https://www.nytimes.com/2004/03/28/us/disenfranchised-florida-felons-struggle-to-regain-their-rights.html*.

78. Fla. Dep't of State: Elections Data; see also *https://results.elections.myflorida.com/Index.asp?ElectionDate=11/4/2014&DATAMODE=*.

79. Our research identified numerous county level races in our period of review in which the total numbers of Returning Citizens in the relevant election districts exceed the resulting margins of victory, suggesting disenfranchisement could be a determinative factor in many elections.

80. The data analyzed in this section and provided in the report graphics is available in the Appendix, available at *www.advancementproject.org*.

81. Though not constituting a majority, Black representation in the Returning Citizens population is still disproportionately high, as compared to the county demographics in the following counties: in Pinellas, 41.4% of Returning Citizens are Black, while just 9% of the general population is Black; in Osceola, 25.9% of the Returning Citizen population is Black compared to 12.8% of the general population.

82. The charts reflect data from the five zip codes in each county with the highest Black population percentages—a proxy for the counties' likely Black neighborhoods. See Appendix for statistics and analysis for each county.

83. These zip codes are in the Jacksonville area, 32209, 32208, 32206, 32202, 32254, with Black population percentages of, respectively, 96.4%, 79.0%, 80.9%, 60.2%, 60.7%.

84. Many factors may contribute to the challenges for Returning Citizens of obtaining stable and adequately remunerated jobs, and reforms are needed nationally and in Florida to eliminate barriers to employment. *See Research Supports Fair-Chance Policies*, Nat'l Emp't Law Project, Aug. 2016, *http://www.nelp.org/content/uploads/Fair-Chance-Ban-the-Box-Research.pdf*; Rebecca Beitsch, *How States Are Working to Reduce Recidivism among Ex-Offenders*, PBS Newshour, Jul. 27, 2017, *https://www.pbs.org/newshour/nation/states-working-reduce-recidivism-among-ex-offenders*.

85. For example, local school boards are determining whether to participate in the state-supported programs, like the Coach Aaron Feis Guardian Program passed under SB 7026, which permits certain school personnel to carry firearms. Broward, Orange, and Osceola have all voted against local participation. Leslie Postal, *Central Florida Schools Show Little Interest in Armed 'Guardian' Program*, Orlando Sentinel, Mar. 9, 2018, *http://www.orlandosentinel.com/features/education/school-zone/os-arming-school-teachers-lawmakers-20180308-story.html*.

86. The roles of school boards have become even more consequential this year as the debate over school security and arming teachers takes the spotlight in Florida following the Parkland massacre and Florida's new law allowing for arming school staff, Marjorie Stoneman Douglas High School Public Safety Act (SB 7026). *See id.*

87. After three decades of oversight, Pinellas County was relieved of federal civil rights monitoring in 2007. Cara Fitzpatrick & Michael Laforgia, *Fundamentally Unequal (Failure Factories Series)*, Tampa Bay Times, Dec. 23 2015; *http://www.tampabay.com/projects/2015/investigations/pinellas-failure-factories/fundamental-schools/*.

88. *Id*.

89. *Id*.

90. Campbell Park and Lakewood are in zip code 33705 with a 56.2 Black population percentage; Fairmount Park is in 33711 with a 57.8 Black population percentage; and Maximo and Melrose are in 33712 with a 76.1 Black population percentage.

91. E. Eugene Webb, *The Pinellas County School Board gets an 'F'*, Gulfport Patch, Mar. 4, 2018, *https://patch.com/florida/gulfport/pinellas-county-school-board-gets-f*.

92. *Id*.

93. Pinellas County Schools Elections (2016), available at *https://ballotpedia.org/Pinellas_County_Schools_elections_(2016)#School_board_reaction*.

94. *See e.g.*, Conor Friedersdorf, *The City Where Blacks Suffer Under 'Stop and Frisk on Steroids'*, The Atlantic, May 30, 2014, available at *https://www.theatlantic.com/national/archive/2014/05/where-blacks-suffer-under-stop-and-frisk-on-steroids/371869* (on excessive use of stop-and-frisk in Miami Gardens, Florida); Auditi Guha, *Black People in Florida Much More Likely to Be Shot by Police, Investigation Confirms*, Rewire News, Apr. 7, 2017, *https://rewire.news/article/2017/04/07/black-people-much-more-likely-shot-police-investigation-confirms/*; Margaret Huang, *Florida's Incarceration Rate Is Obscene*, Miami Herald, Mar. 31, 2016, *http://www.miamiherald.com/opinion/op-ed/article69335302.html*.

95. *See e.g.*, *Racial Bias in Florida's Electoral System*, Brennan Ctr. for Justice at NYU School of Law & Fla. Rights Restoration Coal., 2006; *https://www.brennancenter.org/sites/default/files/legacy/d/download_file_9477.pdf*; Jessica Pishko, *Prosecutors Are Banding Together to Prevent Criminal-Justice Reform*, The Nation, Oct. 18, 2017, *https://www.thenation.com/article/prosecutors-are-banding-together-to-prevent-criminal-justice-reform/*.

96. Melissa Nelson was elected by an overwhelming majority, in part as an unequivocal community rejection of former State Attorney Angela Corey who presided over the failed prosecution of George Zimmerman after his murder of Trayvon Martin and the prosecution of Marissa Alexander. Jessica Pishko, *Voters Have Ousted Notorious Florida Prosecutor Angela Corey*, The Nation, Aug. 31, 2016; *https://www.thenation.com/article/voters-have-ousted-notorious-florida-prosecutor-angela-corey/*.

97. Andrew Pantazi, *State Attorney Promised To Reform The Office. Six Months Later, Has She Delivered?*, Fla. Times-Union, Jun. 29, 2017, *http://www.jacksonville.com/news/metro/public-safety/2017-06-29/state-attorney-promised-reform-office-six-months-later-has-she*.

98. *Id*.

99. Andrew Pantazi, *In a Florida First, Jacksonville's State Attorney Hired Someone to Exonerate Inmates*, Fla. Times-Union, Jan. 29, 2018, *http://www.jacksonville.com/news/20180129/in-florida-first-jacksonvilles-state-attorney-hired-someone-to-exonerate-inmates*.

100. *Id*.

101. Our concern is not about how candidates for elected positions may be affected, but rather about the right of each community member to have an equal voice in our democracy and a fair opportunity to vote for their candidate of choice.

102. To be persuasive, any attempt to suggest alternative outcomes of these historical elections would require consideration of numerous factors, including anticipated registration and voter turn-out rates among Returning Citizens, public opinions about the available candidates held by Returning Citizens at the time of the elections, the impact of a perceived voting bloc of Returning Citizens on the election and other voters.

103. *See Florida Courts, Fla. Courts, http://www.flcourts.org/florida-courts/* (last visited Sept. 7, 2018).

104. Josh Salman, Emily Le Coz & Elizabeth Johnson, "Florida's Broken Sentencing System," Herald Tribune, *http://projects.heraldtribune.com/bias/sentencing/* (last visited April 3, 2018).

105. Aramis Ayala became the first Black state attorney in 2017 in Florida, only to be stripped of the full scope of her authority by Governor Scott. Leonard Pitts, Jr., *In removing state attorney from murder case, governor abuses his power*, Miami Herald, Mar. 24, 2017, *http://www.miamiherald.com/opinion/opn-columns-blogs/leonard-pitts-jr/article140703988.html*.

106. Bowers & Preuhs, *supra* note 69, at 723.

107. *Id*., at 723, 724.

108. *Id*., at 722.

109. *Id*., at 727; Eric Plutzer, *Becoming a Habitual Voter: Inertia, Resources, and Growth in Young Adulthood*, 96 Am. Pol. Sci. Rev. Mar. 2002 at 51.

110. Plutzer, *supra* note 109, at 41.

111. *Id*.

112. Chung, *supra* note 42, at 4.

113. E.g., strict voter identification and photo identification laws for both registration and voting; proof of citizenship laws for registration and voting; redistricting/gerrymandering; cuts to early voting; ending Sunday voting in some places; reducing polling places; unlawful aggressive list maintenance practices that result in mass voter purges from the rolls.

114. Kristen Bialik & Jens Manuel Krogstad, *115th Congress sets new high for racial, ethnic diversity*, Fact Tank, Jan. 24, 2017, *http://www.pewresearch.org/fact-tank/2017/01/24/115th-congress-sets-new-high-for-racial-ethnic-diversity/*; Tony Mauro, *Mostly White and Male: Diversity Still Lags among SCOTUS Law Clerks*, National Law Journal, Dec. 11, 2017, *https://www.law.com/nationallawjournal/sites/nationallawjournal/2017/12/11/mostly-white-and-male-diversity-still-lags-among-scotus-law-clerks/*; Julia Glum, *Trump's White House Is Full of White Men, Not Diverse Like Sarah Huckabee Sanders Says*, Newsweek, Dec. 14, 2017, *http://www.newsweek.com/fact-check-diversity-white-house-trump-huckabee-sanders-omarosa-748673*; Anna Brown and Sara Atske, *Blacks have made gains in U.S. political leadership, but gaps remain*, Fact Tank, Jun. 28, 2016, *http://www.pewresearch.org/fact-tank/2016/06/28/blacks-have-made-gains-in-u-s-political-leadership-but-gaps-remain/*.

115. *See Right to Vote Initiative,* Advancement Project*, http://www.nationalrighttovote.org* (last visited Sept. 7, 2018).