



April 8, 2019

VIA EMAIL

Judiciary Committee
Florida Senate
The Capitol
400 S. Monroe Street
Tallahassee, FL 3299

Re: Written Testimony in Opposition to SB 7086 – Voting Rights Restoration

Dear Chairman Simmons and members of the Senate Judiciary Committee:

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. Advancement Project's National Office provides this written testimony in opposition to SB 7086. We respectfully request that this testimony be included in the record of the meeting and made available to the public in the committee packet and/or meeting notes. For the reasons set forth below we request that you withdraw this legislation from consideration.

Background

On November 6, 2018, an overwhelming 64.55% of Florida voters cast their ballots in favor of Amendment 4, the Voting Restoration Amendment. This clearly reflects the will of the people to grant a second chance to citizens with former felony convictions who have paid their debt to society. The passage of Amendment 4 also highlights the paramount importance voters have placed on the right to vote, a cornerstone principle of our nation's democracy.

We believe that SB 7086 is unconstitutional in that it is overly broad, vague, and extends far beyond what any reasonable voter would conclude the voters intended when they passed Amendment 4. As you know, the State may only take action to implement an initiative approved by voters that supplements, protects, or furthers the availability of voting rights; it may not modify the right in a way that alters or frustrates the intent of Floridians.

Analysis

This legislation clearly alters and frustrates the intent of Florida's voters by restricting the eligibility to vote for individuals they intended should have their voting rights restored.

Specifically, the bill is deficient in several ways, including but not limited to the following:

1220 L Street, NW • Suite 850 • Washington, DC 20005 • 202.728.9557 • 202.728.9558 *fax*

ap@advancementproject.org • www.advancementproject.org

LA Office: 1545 Wilshire Boulevard • Suite 800 • Los Angeles, CA 90017 • 213.989.1300 • 213.989.1309 *fax*

- The bill impermissibly expands categories of individuals who would be exempted from restoration under Amendment 4. While Amendment 4 includes an exemption for **murder**, **this bill adds “attempt to kill”** (line 341) (emphasis added). Attempt to kill is not “murder” as contemplated by Amendment 4 and is a distinct crime not covered in the exemptions contained in Amendment 4. Therefore, the bill disenfranchises a much wider category of returning citizens than voters intended when they passed the Amendment.
- The bill impermissibly creates additional conditions for eligibility under Amendment 4. The bill conditions the restoration of voting rights on **any financial obligation “converted to a civil lien,”** (lines 327-328), unless expressly stated to the contrary. Yet pursuant to Florida law, once financial obligations are converted into civil judgments or liens, they are no longer part of the terms of one’s criminal sentence. Thus, financial obligations for the purpose of restoration should not be extended to civil judgments or liens.

By expanding the definitions above, the bill effectively maintains lifetime disenfranchisement for significant groups of returning citizens that is contrary to voters’ will as expressed in Amendment 4.

Moreover, conditioning an indigent returning citizen’s restoration on his or her inability to pay a wide array of financial obligations extends disenfranchisement solely based on poverty. This may violate the 14th or 24th Amendments of the U.S. Constitution.

Finally, this bill is not necessary. Amendment 4 is self-executing and needs no further implementing legislation. As such, the Legislature should exercise its normal and proper oversight function of relevant state agencies to ensure that they implement the amendment in accordance with the will of Florida’s voters, and without delay.

Conclusion

In sum, we urge the Committee to oppose and withdraw this bill. Thank you for your consideration. If you have any questions or would like additional information, please do not hesitate to contact me at SKhan@advancementproject.org, or (202) 728-9557.

Sincerely,



Sabrina Khan
Senior Attorney