

AMERICAN CIVIL LIBERTIES UNION
BRENNAN CENTER FOR JUSTICE AT NYU SCHOOL OF LAW
NAACP LEGAL DEFENSE AND EDUCATION FUND
THE SENTENCING PROJECT

March 4, 2011

Florida Office of Executive Clemency
4070 Esplanade Way
Tallahassee, FL 32399-2450

Dear Governor Scott and Members of the Clemency Board:

We write to share our grave concerns over a recent proposal to require every individual with a criminal conviction to apply for restoration of their civil rights after a mandatory five-year waiting period.

We believe that the 2007 reforms to the clemency rules took an important step by streamlining the application process and giving those with criminal histories a stake in their community. When former Governor Charlie Crist led the effort to reform the clemency rules in 2007, he declared, “giving a person a meaningful way to re-enter society, make a living and participate in our democracy will encourage good behavior and will help thousands of Floridians restore their dignity.” Instituting further administrative hurdles and a waiting period would be an enormous step backward for public safety, for hundreds of thousands of Floridians working to rejoin the community, and for our democracy.

As organizations dedicated to civil rights and criminal justice, we believe that the right to vote is not only fundamental to an inclusive democracy, but also a critical component of an individual’s successful reentry into the community. There is strong evidence that restoring the right to vote to people exiting the criminal justice system significantly reduces recidivism, strengthens public safety, and helps build a healthier democracy and stronger communities. The nation’s leading correctional and law enforcement professional organizations agree. The American Correctional Association, the American Probation and Parole Association, the Association of Paroling Authorities International and the National Black Police Association, along with numerous individual police chiefs and criminal justice professionals, support restoring the right to vote to people who have rejoined the community.

If Florida rolls back its clemency rules, it will be one of only four states left in the country (Kentucky, Virginia and Iowa are the other three) that deny the right to vote to everyone with a felony conviction for life unless they receive clemency from the governor. Since 1997, 23 states have either restored voting rights or eased the restoration process; nine of these states repealed or amended lifetime disenfranchisement laws. These changes have occurred under both Republican

and Democratic governors. There has been a national recognition that harsh criminal disenfranchisement laws are a relic of a discriminatory past, are antithetical to the fundamental principles of our democracy, and do nothing to protect public safety or promote successful reentry.

It is well documented that Florida's criminal disenfranchisement laws are a relic of a discriminatory past. Florida's disenfranchisement law was enacted after the Civil War when the Fifteenth Amendment forced the state to enfranchise African-American men. The voting ban was an attempt to weaken political power of African Americans, and it continues to have its intended effect today. The current law continues to exclude African Americans from the polls at more than twice the rate of other Florida citizens. Without counting those who are serving criminal sentences, 13% of the voting-age African-American population in Florida has lost the right to vote. Currently, nearly a quarter of those who are disenfranchised in Florida are African-American.

Additional restrictions on voting rights will further complicate an election system that is already overburdened. Last year, Ion Sancho, the supervisor of elections in Leon County, testified before the United States Congress, calling Florida the "poster child" for the need to reform criminal disenfranchisement laws, and explaining, "what we have done by these crazy patchwork of laws is make it impossible for election administrators to properly determine who is ineligible or eligible."

We urge you to maintain the current clemency rules in Florida and continue to restore voting rights to individuals who have served their sentences and rejoined the community.

Sincerely,

Laughlin McDonald
Director, Voting Rights Project
American Civil Liberties Union
lmcDonald@aclu.org • (404) 523-2721

Erika Wood
Deputy Director, Democracy Program
Brennan Center for Justice at NYU School of Law
erika.wood@nyu.edu • (646) 292-8319

Ryan Haygood
Co-Director, Political Participation Group
NAACP Legal Defense and Education Fund
rhaygood@naacpldf.org • (212) 965-2235

Marc Mauer
Executive Director
The Sentencing Project
mauer@sentencingproject.org • (202) 628-0871